

BOARD OF BARBERING AND COSMETOLOGY
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

AGENDA

Date: February 11, 2025

Time: 12:00 p.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting – Zoom Webinar (use link below)
<https://dcca-hawaii-gov.zoom.us/j/83551184499?pwd=Zgaf2gbijEFgEdalTXGVErGI9tnNG.1>

Phone: +1 (669) 900 6833

Meeting ID: 835 5118 4499

Passcode: 261240

Agenda: Posted on the State electronic calendar as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

If you wish to submit written testimony on any agenda item, please email your testimony to barber_cosm@dcca.hawaii.gov or by hard copy mail to: Attn: Board of Barbering and Cosmetology, P.O. Box 3469, Honolulu, HI 96801. We request submission of testimony at least 24 hours prior to the meeting to ensure that it can be distributed to the Board members.

INTERNET ACCESS:

To view the meeting and provide live oral testimony, please use the link at the top of the agenda. You will be asked to enter your name. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., *****@***mail.com.

Your microphone will be automatically muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify about that agenda item. The Chairperson will individually enable each testifier to unmute their microphone. When recognized by the Chairperson, please unmute your microphone before speaking and mute your microphone after you finish speaking.

PHONE ACCESS:

If you cannot get internet access, you may get audio-only access by calling the Zoom Phone Number listed at the top on the agenda. Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.

When the Chairperson asks for public testimony, you may indicate you want to testify by entering "*" and then "9" on your phone's keypad. After entering "*" and then "9", a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chairperson, you may unmute yourself by pressing "*" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "*" and then "6" again to mute yourself.

For both internet and phone access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

If connection to the meeting is lost for more than 30 minutes, the meeting will be continued on a specified date and time. This information will be provided on the Board's website at <http://cca.hawaii.gov/pvl/boards/barber/board-meeting-schedule/>.

Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>

The Board may move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Hawaii Revised Statutes ("HRS") section 92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

1. Call to Order
2. Approval of the January 7, 2025, Public and Executive Session Minutes

The Board may enter into Executive Session to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4) to review the executive session minutes.

3. Applications

The Board will enter into Executive Session pursuant to Hawaii Revised Statutes §§ 92-5(a)(1) and 92-5(a)(4) to consider and evaluate personal information relating to

individuals applying for professional or vocational licenses cited in section 26-9 or both and to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

- A. Apprenticeship Applications
 - i. Catherine Reginaldo (Nail Technician)
 - B. Applications for License
 - i. Brittany Murray (Esthetician)
 - ii. Heide Wossner (Esthetician)
 - iii. Jeremy Barayuga (Barber)
 - C. Ratification List (see attached list)
4. 2025 Legislative Session
- A. SB1619: Relating to the Cosmetology Licensure Compact

Authorizes the Governor to enter into a Cosmetology Licensure Compact on behalf of the State to provide a streamlined process that allows cosmetologists to obtain a multistate license enabling them to practice cosmetology in another state without obtaining a separate license under the laws of that state. Requires the Department of Commerce and Consumer Affairs to adopt rules to implement and administer the Compact. Authorizes the Governor to enter into the Compact effective 1/1/2026.
 - B. SB1620: Relating to Natural Hair Braiding

Exempts natural hair braiders from licensing requirements under certain conditions.
 - C. SB1621: Relating to Nail Technicians

Requires the Department of Commerce and Consumer Affairs to adopt rules establishing a license and corresponding licensing requirements specifically for nail technicians separate from a general cosmetologist license.
 - D. SB1373: Relating to Administrative Licensure Actions Against Sex Offenders

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

E. HB1054: Relating to Administrative Licensure Actions Against Sex Offenders

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

5. Old Business

A. Honolulu Community College Request for a Work Study (Co-operative Education) Program for the Cosmetology Student

6. Executive Officer Report:

A. Results of the NIC Examination Administered in December 2024 and January 2025

B. Request for Conditions to Be Removed: Amber Ledesma-Quinata

C. Beauty/Barber Shops: Operator in Charge

The Board will discuss its interpretation of chapter 436A-10, Hawaii Revised Statutes ("HRS") to determine if a beauty shop must have as one of its operator's in charge a licensed barber if the shop desires to offer shaving services.

7. Next Meeting: May 13, 2025
12:00 p.m.

Virtual Videoconference Meeting – Zoom Webinar

and

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

8. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Kerrie E. Shahan at (808) 586-2692 or barber_cosm@dcca.hawaii.gov as soon as possible, preferably Friday, February 7, 2025. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request this notice is available in alternate/accessible formats.

02/05/2025

BOARD OF BARBERING AND COSMETOLOGY
 RATIFICATION LIST – FEBRUARY 11, 2025

| License Type | License: License Number | Licensee |
|--------------|-------------------------|------------------------------|
| BAP | R-25201002 | AARON J AMBE |
| | R-25201003 | DEVEN FERREIRA |
| | R-25201004 | Siaki V Alualu |
| | R-25201005 | PONO R AKIONA |
| | R-25201006 | THI THUY TIEN KHUONG |
| | R-25201009 | Chi Nhut Cam |
| BAR | BAR-4223-0 | JUNG E KIM |
| | BAR-4227-0 | MALUHIA M MAA |
| | BAR-4228-0 | CELEyna L KAHALA |
| BEO | BEO-25170-0 | LILY Y KA |
| | BEO-25204-0 | ALLISON J H SMITH |
| | BEO-25205-0 | AGATHA MAE M ASIS |
| | BEO-25211-0 | JENNA M HOSFORD |
| | BEO-25212-0 | Alyssa C Sadang |
| | BEO-25213-0 | LINDA M. WARFEL |
| | BEO-25214-0 | RISA MIYASHIRO |
| | BEO-25215-0 | Kimie Sugyo Ubasa |
| | BEO-25216-0 | KYOUNG YE KOBAYAKAWA |
| | BEO-25218-0 | Stephanie Hansen |
| | BEO-25220-0 | MADISON J ZIMA-WILSON |
| | BEO-25221-0 | SUMI BRIGHT |
| | BEO-25222-0 | Madison H K Kamai |
| | BEO-25223-0 | Kayla M Kawai |
| | BEO-25224-0 | Leslie Ann M Miguel |
| | BEO-25225-0 | TINA MINH THU TRAN |
| | BEO-25226-0 | CATHERINE TRINH |
| | BEO-25228-0 | Ariel I Pacleb |
| | BEO-25229-0 | VANITY H K M O N L AMITOELAU |
| | BEO-25230-0 | REYANN DESTINEE K MAU-BAGAY |
| | BEO-25231-0 | VALERIE LYNN MCMURRAY |
| | BEO-25232-0 | JENNA L CASUGA |
| | BEO-25233-0 | MILLE T SHIOWAKI |
| BEO-25234-0 | Heela Mottus | |
| BEO-25235-0 | DUONG THUY NGUYEN | |

Board of Barbering and Cosmetology Agenda

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|-----|-------------|-------------------------------------|
| | BEO-25236-0 | Tetyana A Gashler |
| | BEO-25237-0 | LAQUITA M WARREN |
| | BEO-25238-0 | KAITLYN K PLUNKETT |
| | BEO-25239-0 | MELVILLE A MAU |
| | BEO-25240-0 | Penelope Z Kendall |
| | BEO-25241-0 | Sumi Ann Cutlip |
| | BEO-25242-0 | EDONA MAISONET |
| | BEO-25243-0 | Angelina B Allison |
| | BEO-25244-0 | KELCYN K BALBAS |
| | BEO-25245-0 | MEGAN M HARVEY |
| | BEO-25246-0 | Clarissa De Andrade Encinas Taborda |
| | BEO-25247-0 | TAYA DAWN GRIFFITHS |
| | BEO-25249-0 | Chelsea L Bauman |
| BEP | R-24506003 | LINSHAN HE |
| | R-25201001 | PRINCESS MALIA G MONES |
| | R-25201007 | KUIKAMANAO K KANAHELE |
| | R-25201008 | DANIEL W IREBARIA |
| | R-25201010 | JERRY DELA CRUZ BAGAY JR |
| BSH | BSH-6671-0 | LAVENDER BEAUTY SALON LLC |
| | BSH-6672-0 | HAIR BY ALEX LLC |
| | BSH-6673-0 | Fantastic Spa LLC |
| | BSH-6674-0 | 1STTHAIHI MASSAGE & FACIAL LLC |
| | BSH-6675-0 | WAILEA NAILS & SPA LLC |
| | BSH-6676-0 | BANYAN MASSAGE HALE LLC |
| | BSH-6677-0 | SKIN BODY BLISS LLC |
| | BSH-6678-0 | Glitzed Beauty Bar LLC |

BOARD OF BARBERING AND COSMETOLOGY
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: January 7, 2025

Time: 12:00 p.m.

Place: PVL Exam Room Rm. 330
HRH King Kalakaua Building
335 Merchant Street, Third Floor
Honolulu, Hawaii 96813

Zoom
Recording Link: <https://youtu.be/-1x3gL0x8A8>

Present: Raynette Hall, Beauty Operator Member, Chairperson (“Chair”)
Lesley Murata, Public Member, Vice Chairperson (“Vice-Chair”)
Michael Basta Jr., Beauty Operator Member
Ashley Cornelio, Barber Member
Andrew Kim, Deputy Attorney General (“DAG Kim”)
Kerrie Shahan, Executive Officer (“EO Shahan”)
Alexander Pang, Executive Officer (“EO Pang”)
Cortnie Tanaka, Secretary
Johnny Li, (Technical Support)
Candace Ito, Supervising Executive Officer

Excused: None

In-person Guests: None

Virtual Guests: Bronson Sonico, Topgun Barbershop
Lei Fukumura, Special Deputy Attorney General (“SDAG”)

Agenda: The agenda was posted on the State electronic calendar as required by HRS section 92-7(b).

A brief video was played to explain procedures for this virtual meeting and how members of the public can participate and interact with the Board during the meeting.

Call to Order: The Chair proceeded with roll call of the Board members. Members joining by Zoom confirmed that they were present and alone. There being a quorum present, Chair Hall called the meeting to order at 12:08 p.m.

Approval of the
November 19, 2024,
Minutes: The Chair asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

It was moved by Vice Chair Murata, and seconded by Mr. Basta, and unanimously carried to approve the meeting minutes of the open and executive session of the November 19, 2024, meeting as circulated.

Chapter 91, HRS
Adjudicatory
Matters:

Chair Hall asked if any members of the public would like to provide oral testimony on this agenda item. There was none.

Chair Hall called for a recess from the meeting at 12:10 p.m. to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS (Note: Board members and staff entered into a ZOOM Breakout Room).

- A. In the Matter of the Barber Shop License of NAIL STORY, LLC, and the Beauty Operators License of WEI PING ZHANG; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; BAR 2024-0187-L.

After discussion, it was moved by Vice Chair Murata, seconded by Chair Hall, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order relating to the Matter of the Beauty Shop License of NAIL STORY, LLC; BAR 2024-0187-L.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair Hall announced that the Board was reconvening to its open meeting at 12:22 p.m.

2025 Legislative
Session:

The Chair asked if any members of the public would like to provide oral testimony on this agenda item. There was none.

- A. Cosmetology Licensure Compact Model Legislation – The Board will discuss the proposed cosmetology legislation slated to be introduced by Senator Donna Mercado Kim.

EO Shahan announced to the board that their discussion from the November 19 meeting was reported to the senator that brought this issue to the board. The senator's office had let the board know that the Cosmetology Licensure Compact will be introduced this legislative session.

EO Shahan asked the board if there were any concerns, comments, their position on the bill to assist in providing testimony on behalf of the board.

Chair Hall asked if Hawaii is already part of a Medical Licensure Compact as the informational video on the Cosmetology Compact webpage made reference to other compacts and stated Hawaii was part of one. EO Shahan noted Hawaii is becoming a part of the medical compact, but still has items it needs to complete to meet the requirements for membership in the compact.

EO Shahan stated that the Cosmetology compact is very new. Currently there are only eight states that part of the compact: Ohio, Kentucky, Tennessee, Virginia, Maryland, Colorado, Arizona, and Alabama. New Jersey and Texas currently have bills before their state legislatures.

Chair Hall stated that she is in favor of the compact.

Mr. Basta stated that he is in favor of the compact. He added that the information provided regarding the compact was well detailed and comprehensive. He believes the more movement within the industry can only elevate the profession.

Ms. Cornelio agreed with Mr. Basta and is in favor of the compact. She also added comments that she wishes that the cosmetology compact could include barbers. As Cosmetologist and Barbering boards are being unified it would be good to see verbiage for the whole industry.

EO Shahan agreed that she was also concerned that the compact only relates to cosmetologists. The compact does not include barbers, estheticians, hairdressers, or nail techs; the individuals that put the compact together stated that those other professions need to create their own compact.

Ms. Cornelio stated that it could be due to the funding coming from the Department of Defense. The statistics for military spouses and that what their focus was on.

Chair Hall asked if the board could request the senator to include the other types of licensures within the bill proposal.

EO Shahan stated that if the board were to ask the senator to change the language in the bill, the compact folks will throw it out. A model legislation was sent out and in multiple places indicate if there is a change it will not be accepted. For Hawaii to be a part of this Cosmetology compact there can be no major alterations.

Vice Chair Murata asked, "Who is the commission"?

EO Shahan answered the Department of Defense was funding it and was put out by the Council of State Governments National Center for Interstate Compacts.

Vice Chair Murata stated that within the information provided it states multiple times "Commission and member representative" and asked who that would be.

EO Shahan answered that it is the independent group, Council of

State Governments National Center for Interstate Compacts.

Chair Hall asked if they would like someone on their board from each state.

EO Shahan stated that they would like for all the states to be a member. Upon her interpretation of the information provided, if Hawaii were to join the compact someone from Hawaii will be on the cosmetology compact board to help make decisions for the compact. An individual will receive a license in their home state and would like to hold a multistate license once both licenses are obtained, they are able to work in another state that is part of the compact while maintaining their home state license. If their home state were to change, they would need to submit a new application to the new home state and reapply for the multistate license.

EO Shahan explained if the compact were to be adopted time will be provided to develop the multistate license, the fees, and all other aspects that need to be developed.

Ms. Cornelio asked what the difference in the cost is between a multistate vs. a state license.

EO Shahan stated that would need to be determined by the board. If the compact is adopted, she will reach out to other state boards to see what they have done. At this time, it is unknown as to how much it would cost to join the compact.

Chair Hall asked if a cosmetologist were to be working on base they would not need to obtain a licensure through the Board of Barbering and Cosmetology.

EO Shahan confirmed there is a statute that exempts someone that is working on base.

Chair Hall restates that she is in favor of joining the compact as it would help individuals obtain licensure. As she is part of the board when individuals apply for job positions, she makes sure they are licensed. If they are not, she instructs them to apply for licensure and that she will wait but a lot of them either find a salon that does not ask for their license or ends up not working.

Ms. Cornelio asked that if any of Chair Halls prospective employees were from states that are currently apart of the compact.

Chair Hall recalled that some of them were from California and a few from other states but they were from non-military families.

EO Shahan confirmed with the board that they are in support of the compact, and at this time there are not many concerns or comments as the actual bill is not available for review.

- B. Legislative Liaison – The Board will consider appointing legislative liaisons(s) to provide positions and testify on legislative proposals.

EO Shahan asked the board if anyone would like to volunteer to be the Legislative Liaison for the board.

Mr. Basta volunteered himself to be the Legislative Liaison.

Chair Hall volunteered as a back up on Mr. Basta is not available.

EO Shahan asked the board for confirmation.

All the board members agree.

Applications:

The Chair asked if any members of the public would like to provide oral testimony on this agenda item. There was none.

EXECUTIVE SESSION

At 12:42 p.m. it was moved by Chair Hall, seconded by Vice Chair Murata, and unanimously carried for the Board to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS section 92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4). (Note: Board members and staff entered into a ZOOM Breakout Room).

At 1:14 p.m., it was moved by Vice Chair Hall, seconded by Ms. Cornelio, and unanimously carried for the Board to move out of Executive Session and to reconvene to the Board's regular order of business.

A. Applications for License:

- i. Dylan Swenson (Barber)

It was moved by Vice Chair Murata, seconded by Chair Hall, and unanimously carried to conditionally approve the exam application for Dylan Swenson.

- ii. Andrew Tram (Barber)

It was moved by Vice Chair Murata, seconded by Chair Hall, and unanimously carried to approve the exam

application for Andrew Tram.

iii. Kawai Paa (Barber)

It was moved by Vice Chair Murata, seconded by Chair Hall, and unanimously carried to approve the exam application for Kawai Paa.

B. Shop Applications:

i. The Beauty Cartel
Deedra Tak Yamabe

It was moved by Vice Chair Murata, seconded by Chair Hall, and unanimously carried to approve the shop application for The Beauty Cartel.

ii. Topgun Barbershop: Kalaniana'ole Hwy
Bronson Sonico

It was moved by Vice Chair Murata, seconded by Chair Hall, and unanimously carried to approve the shop application for Topgun Barbershop: Kakaniana'ole Hwy.

iii. Topgun Barbershop: Kamehameha Hwy
Bronson Sonico

It was moved by Vice Chair Murata, seconded by Chair Hall, and unanimously carried to approve the shop application for Topgun Barbershop: Kamehameha Hwy.

C. Applications for Restoration of License:

i. Erik Patino

It was moved by Vice Chair Murata, seconded by Chair Hall, and unanimously carried to approve the restoration application for Erik Patino.

D. Ratification List (see attached list)

It was moved by Vice Chair Murata, seconded Chair Hall, and unanimously carried to ratify the list of issued licenses attached (see attached list).

Executive Officer's Report:

The Chair asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

A. Results of the NIC Examination Administered in October and November 2024.

EO Shahan provided the following results:

| October 2024 | Candidates | Passed | Failed | Passing % |
|-----------------|------------|--------|--------|-----------|
| Barber | 7 | 4 | 3 | 57 |
| Cosmetology | 20 | 12 | 8 | 60 |
| Esthetician | 27 | 11 | 16 | 67 |
| Hairdresser | 4 | 0 | 4 | 0 |
| Instructor | 0 | 0 | 0 | 0 |
| Nail Technician | 21 | 7 | 14 | 33 |

| November 2024 | Candidates | Passed | Failed | Passing % |
|-----------------|------------|--------|--------|-----------|
| Barber | 11 | 7 | 4 | 63 |
| Cosmetology | 11 | 5 | 6 | 45 |
| Esthetician | 47 | 25 | 22 | 53 |
| Hairdresser | 4 | 3 | 1 | 75 |
| Instructor | 0 | 0 | 0 | 0 |
| Nail Technician | 8 | 2 | 6 | 25 |

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 1:19 p.m.

Next Board Meeting:
 Date: Tuesday, February 11, 2025
 Time: 12:00 p.m.
 In-Person: Queen Liliuokalani Conference Room
 HRH King Kalakaua Building
 335 Merchant Street, First Floor
 Honolulu, Hawaii 96813
 Virtual Participation: Virtual Videoconference Meeting
 Zoom Webinar

Reviewed and accepted by: Taken and recorded by:

/s/ Kerrie Shahan

 Kerrie Shahan, Executive Officer

/s/ Cortnie Tanaka

 Cortnie Tanaka, Secretary

KS: ct

1/9/2024

- [] Minutes approved as is.
- [] Minutes approved with changes. See Minutes of _____

BOARD OF BARBERING AND COSMETOLOGY
 RATIFICATION LIST – JANUARY 7, 2025

| License Type | License Number | Licensee |
|--------------|----------------|------------------------------|
| BAP | R-24820002 | JOSHUA L JARALBA |
| | R-24828001 | AY-LAINA N P DINSON |
| | R-24828004 | JUNE A ANCHETA |
| | R-24905001 | STEVEN J KAUVAKA JR |
| | R-24909004 | JADEN R OGOMORI |
| | R-24917001 | MILILANI K PALAKIKO |
| | R-24923002 | JOHN BRIAN SENESAN |
| | R-241003003 | RONALD SALLE |
| | R-241004003 | BRYAN C LY |
| | R-241010002 | SOLOMON K PEREZ |
| | R-241011001 | TAYLEN-JO'REL K CUMMINGS-PAK |
| | R-241015001 | Ian G Ordinario |
| | R-241204005 | KEHAULANI T RELLEZ |
| | R-241205001 | DRAKE R DINONG |
| | R-241219001 | NICOLAS H PEAV |
| BAR | BAR-4203-0 | JALON TI NELSON |
| | BAR-4204-0 | CINDY S Y LEE |
| | BAR-4205-0 | BRITTNEY H LEE |
| | BAR-4206-0 | ROBERT W CAMACHO |
| | BAR-4207-0 | Marcangelo A Saavedra |
| | BAR-4208-0 | RAYMARK FERNANDEZ |
| | BAR-4209-0 | NOAH W EMPRON |
| | BAR-4210-0 | RAFAEL A SALAZAR |
| | BAR-4211-0 | TANNER K WHITE |
| | BAR-4212-0 | LYNNE K NUUSOLIA |
| | BAR-4213-0 | TIM DERRICK B LAROYA |
| | BAR-4214-0 | Samantha N Avila |
| | BAR-4215-0 | PATRICK B SUNDAHL |
| | BAR-4216-0 | MICAH K CHAMBERLAIN |
| | BAR-4217-0 | JAYDEN S KAUIHOU |
| | BAR-4218-0 | PRATTANA NIMANONG |
| | BAR-4219-0 | PHILIP B M SPENCER |
| | BAR-4220-0 | ANTHONY I RIVERA |
| | BAR-4221-0 | JONATHAN DOAN |
| | BAR-4222-0 | HERBERT GRANT M AGNI |
| BAR-4223-0 | JUNG E KIM | |

Board of Barbering and Cosmetology
 Minutes of the January 7, Meeting
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| | | |
|-------------|-----------------------|--------------------------|
| | BAR-4224-0 | Steve Alaiasa |
| BAS | BAS-1780-0 | SUPERIOR IMAGE LLC |
| | BAS-1781-0 | HAWAII BARBER STUDIO LLC |
| BEO | BEO-24974-0 | NATALIE P TOWELL |
| | BEO-25061-0 | HAILEY M O'DONNELL |
| | BEO-25062-0 | KYRA ZHAE J MANCENIDO |
| | BEO-25064-0 | IVY C HUNTER |
| | BEO-25065-0 | ESTEFANY JADE M SEGUNDO |
| | BEO-25067-0 | CHERYL M DUNCAN |
| | BEO-25068-0 | TRINITY REYNES BRIMBERRY |
| | BEO-25070-0 | JOLEE K MURPHY |
| | BEO-25071-0 | HARLEY H AWAI |
| | BEO-25072-0 | JENNA K MORIKAWA |
| | BEO-25073-0 | Kelly Grace Cabagbag |
| | BEO-25074-0 | KAILA KATO |
| | BEO-25075-0 | BRENDI LEE T SAITO |
| | BEO-25076-0 | SHANTEL M MILARII-SOUZA |
| | BEO-25077-0 | TORY L SIMON |
| | BEO-25078-0 | NICHOLE L LORICO |
| | BEO-25079-0 | LE HUU DUC HUYNH |
| | BEO-25081-0 | YUKA KOMARNICKI |
| | BEO-25082-0 | KHAITLYN M P SERRANO |
| | BEO-25083-0 | KYLIE H K KUHNS |
| | BEO-25084-0 | PEGGY Y M TOYOOKA |
| | BEO-25085-0 | NADKANITTHA MONGKOLCOON |
| | BEO-25086-0 | Rachel A Kee |
| | BEO-25087-0 | REBECCA A BLESSUM |
| | BEO-25088-0 | CARLI E WURZBERGER |
| | BEO-25089-0 | THUY T KNIPPENBERG-HO |
| | BEO-25090-0 | Kiara K Cuyo |
| | BEO-25091-0 | Sheryl W Y Cheong |
| | BEO-25092-0 | Elyse V Liedholm Molina |
| | BEO-25093-0 | SHERRY L MESA |
| | BEO-25094-0 | ANECHIA N MORIWAKI |
| | BEO-25095-0 | BRISALIA ARROYO GUZMAN |
| BEO-25096-0 | CHLOE JO CARTER | |
| BEO-25097-0 | VICTORIA F CARIAGA | |
| BEO-25098-0 | SOPHIA LOUISE C RODIL | |
| BEO-25099-0 | ROXY K N CULLEN-UTU | |

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|-------------|-----------------------------|
| BEO-25100-0 | Aravella P Annaguey |
| BEO-25101-0 | Asia K Mayberry |
| BEO-25102-0 | Alisha M Brokaw |
| BEO-25103-0 | CRYSTAL H TRAN |
| BEO-25104-0 | NAOMI J CARABBA |
| BEO-25105-0 | Michelle Wright |
| BEO-25106-0 | Princess Denise M Del Valle |
| BEO-25107-0 | PIMPIPAT CHAIARSA |
| BEO-25108-0 | MAKAYLA R O'KEEFE |
| BEO-25109-0 | MAKINZIE P HURLEY |
| BEO-25110-0 | ERIN G WILKINSON |
| BEO-25111-0 | SAVANNAH A DALLAS |
| BEO-25112-0 | Kyra Hirokane |
| BEO-25113-0 | Alyssa-Nicole B Domingo |
| BEO-25114-0 | GIAU THI THANH CHAU |
| BEO-25115-0 | Kacie C Lam |
| BEO-25116-0 | Jacquelyn C Ynigues |
| BEO-25117-0 | Junko K Ennila |
| BEO-25118-0 | PHUONG THI MAI NGUYEN |
| BEO-25119-0 | MASAMI TSUBAKIYAMA |
| BEO-25120-0 | NICOLE A TAMAYO |
| BEO-25121-0 | JANINE R JUNIO |
| BEO-25122-0 | KEALOHA N DONNELL |
| BEO-25123-0 | TIANA K S SEPTIMO |
| BEO-25124-0 | JULYETH CLARE E DAUZ |
| BEO-25125-0 | AYDNIS M GONZALEZ MELENDEZ |
| BEO-25126-0 | PAULINA H SOONG |
| BEO-25127-0 | TAYLOR R DILLINER |
| BEO-25128-0 | NAOMI O HORVATH |
| BEO-25129-0 | HALEY M CAMPBELL |
| BEO-25130-0 | Toni M G Matayoshi |
| BEO-25131-0 | SHANNON E GALLAGHER |
| BEO-25132-0 | ISLEY K ULANDAY |
| BEO-25133-0 | HEATHER M MAIAVA |
| BEO-25134-0 | Hailey M Choi |
| BEO-25135-0 | ANGELICA T ANDERSEN |
| BEO-25136-0 | NATALYA V POPOVA |
| BEO-25138-0 | Keylee R Kaleikini |
| BEO-25139-0 | Harley Rae Olson |

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| BEO-25140-0 | TONI X TANG |
| BEO-25141-0 | BAILEE REBEKAH SCHWINKENDORF |
| BEO-25143-0 | Candace D King |
| BEO-25144-0 | MARCO Y MONTIRA |
| BEO-25145-0 | PROPHECY N TANIGUCHI |
| BEO-25146-0 | CELIA S DELGADO |
| BEO-25147-0 | SASHA A CIPRO |
| BEO-25148-0 | KYLIE V GUIEB |
| BEO-25149-0 | SARA A IWAHIRO |
| BEO-25150-0 | SUJEONG HONG |
| BEO-25151-0 | CRISTY JEAN BONILLA |
| BEO-25152-0 | ASHLEY C K HAUANIO |
| BEO-25153-0 | LOGAN LEWALANI LEANIO-KUAMOO |
| BEO-25154-0 | TEYA K FUJISAKA |
| BEO-25155-0 | MARION F SANDERS |
| BEO-25156-0 | EMMALEE K DUVAUCHELLE |
| BEO-25157-0 | JANEANE C K MALUNAY |
| BEO-25158-0 | ANNALIESE LYONS |
| BEO-25159-0 | KARLIE Y H HAUSER |
| BEO-25160-0 | Olivia C M Giacobbi |
| BEO-25161-0 | Skylynn N K Sumida |
| BEO-25162-0 | CASSANDRA SWOBODA |
| BEO-25163-0 | ELIANA K OBANIA |
| BEO-25164-0 | GABBIE K CARVALHO |
| BEO-25165-0 | JILLIAN M PRICE |
| BEO-25166-0 | AMANDA M RITA |
| BEO-25167-0 | Skye T Martin |
| BEO-25168-0 | Rachel R Tuck |
| BEO-25169-0 | Nicole A Hersh |
| BEO-25171-0 | MAILE RAYNE RAMOS-MCALINDEN |
| BEO-25172-0 | LAUREN K ALCOSIBA |
| BEO-25173-0 | Alison Jean Wilson |
| BEO-25174-0 | MYKA JOVANNAH FELIZHA A ARIOS |
| BEO-25175-0 | KAYLEE S RIOS |
| BEO-25176-0 | Janice Nicolas Gumayagay |
| BEO-25177-0 | ALEXA D JORGENSON |
| BEO-25178-0 | Honesty K Manuel |
| BEO-25179-0 | NYSSA MICHELLE M K DELA CRUZ |
| BEO-25180-0 | DLYNN N YOKOYAMA |

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| | BEO-25181-0 | NAOMI MALIA YOUNG |
| | BEO-25183-0 | MAYU SUGAI |
| | BEO-25182-0 | CALERA U SCHLESINGER |
| | BEO-25184-0 | KYLIE J JACKSON |
| | BEO-25185-0 | MILADIE J PETER |
| | BEO-25186-0 | ALYSSA G RACHAL |
| | BEO-25187-0 | KEIKI ROBERTSON |
| | BEO-25188-0 | TIFFANY MARIE M BUTAY |
| | BEO-25189-0 | HUNTER K M WONG |
| | BEO-25190-0 | AMBER L LEDESMA-QUINATA |
| | BEO-25191-0 | LI JUN ZHOU |
| | BEO-25192-0 | Tina C Reimonenq |
| | BEO-25193-0 | SALEENA R HOPKINS |
| | BEO-25194-0 | Ciana A Ruidas |
| | BEO-25195-0 | DANISHA H ORTIZ |
| | BEO-25196-0 | MEILYN P LINDSEY |
| | BEO-25197-0 | AMANDA M MA |
| | BEO-25198-0 | MAIYA K BUCHER |
| | BEO-25199-0 | MARY E AGUILAR |
| | BEO-25200-0 | Camille N Siliado |
| | BEO-25201-0 | ARI A SOUTHICKACK |
| | BEO-25202-0 | Masayo Araya |
| | BEO-25203-0 | YURINA TERUYA |
| | BEO-25204-0 | ALLISON J H SMITH |
| | BEO-25205-0 | AGATHA MAE M ASIS |
| | BEO-25206-0 | Madison L Miller |
| | BEO-25207-0 | TOMOKO IKEYA |
| | BEO-25208-0 | EMILY C BAUER |
| | BEO-25209-0 | Paige M Jackson |
| | BEO-25210-0 | KELSEY L JARAMILLO-DONIHEE |
| BEP | R-24506003 | LINSHAN HE |
| | R-24814001 | CHELSEA K GOUVEIA |
| | R-24820001 | Xiaosong Wu |
| | R-24820003 | TIEN THUY VU |
| | R-24826001 | LAARNI MAE B PASCUAL |
| | R-24826002 | KIARA E K O DILDA |
| | R-24828003 | FAYMA ANGELI SALES |
| | R-24903004 | THI TIEN VO |
| | R-24918002 | TRA THANH MAC |

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| | R-24920001 | CHRISTINA Z VALIENTE |
| | R-24926001 | KIM ANH T LE |
| | R-241001002 | AYUMI MATHIAS |
| | R-241003002 | VU PHUONG OANH TRAN |
| | R-241003004 | MOMO I TAMES-KOBAYASHI |
| | R-241004002 | ARIANNA L CARRANZA |
| | R-241004004 | ELAYNA REIS T CORPUZ |
| | R-241011002 | THERESE M OWENS YAP |
| | R-241011004 | KELSI ELYNN L CASUGA |
| | R-241011005 | DUY KHANH NGUYEN |
| | R-241011006 | MARLEY P GRACE |
| | R-241104001 | VAN-NGU TRAN |
| | R-241104002 | NATALIE K DELAND |
| | R-241107001 | ERIKA K PAIKAI |
| | R-241107002 | WENJUAN XUE |
| | R-241115002 | HUONG LE |
| | R-241118001 | DALIA M ALHINDI |
| | R-241126001 | THUY THI PHAM |
| | R-241127001 | MEGAN MAHEALANI PURDY PERREIRA |
| | R-241204001 | QUANG TIN TRAN |
| | R-241204002 | MYKAH-ANN H BURGESS-HEELY |
| | R-241204003 | DIZSAE M JOSUE |
| | R-241204004 | THI THU HUYNH |
| | R-241204006 | SEONGAE LIM |
| | R-241210001 | JIRI H OKANO |
| | R-241210002 | SYDNI P PASCUAL |
| | R-241210003 | HOANG KHANH AN DINH |
| | R-241210004 | ALLISON K OGOSO |
| | R-241213001 | Maria De Los Angeles Robledo Magana |
| | R-241227001 | JASON K P CERVANTES |
| BSH | BSH-6640-0 | IWI SALON SUITES LLC |
| | BSH-6641-0 | Kaua'i Skin Studio LLC |
| | BSH-6642-0 | COCONUT GROVE AESTHETICS LLC |
| | BSH-6643-0 | KELLYN PHAM LLC |
| | BSH-6644-0 | INK AND BEAUTY, LLC |
| | BSH-6645-0 | COLOR GENIUS SALON LLC |
| | BSH-6646-0 | KWHP KB, LLC |
| | BSH-6647-0 | NORTH SHORE BAY TRS LLC |
| | BSH-6648-0 | THE SKIN SAGE SPA LLC |

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| | BSH-6649-0 | DIVINE TEXTURE ESTHETICS LLC |
| | BSH-6650-0 | PRG RETAIL MANAGEMENT LLC |
| | BSH-6651-0 | TK BEAUTY ESTHETICS, LLC |
| | BSH-6652-0 | SALT. THE SPACE, LLC |
| | BSH-6653-0 | OHANA CLIPS, LLC |
| | BSH-6654-0 | Ili Nani Beauty Bar, LLC |
| | BSH-6655-0 | BEAUTY BLOSSOMS LLC |
| | BSH-6656-0 | LAHAINA HEALTH CO LTD |
| | BSH-6657-0 | ONE BEAUTY LLC |
| | BSH-6658-0 | PREMKAMAL SPAS LLC |
| | BSH-6659-0 | CATHY PHUONG DANG |
| | BSH-6660-0 | THE GREEN ROOM, WAILUKU LLC |
| | BSH-6661-0 | KUHIO NAILS & SPA LLC |
| | BSH-6662-0 | ISLAND WAX HIDEAWAY LLC |
| | BSH-6663-0 | HAIR BY COURTNEY 808 LLC |
| | BSH-6664-0 | OTSUKA TOMOYO LLC |
| | BSH-6665-0 | OSAGE MAUI LLC |
| | BSH-6666-0 | NAILS WITH ASHLEY LLC |
| | BSH-6667-0 | THE MAUI BEAUTY COLLECTIVE LLC |
| | BSH-6668-0 | ROSE NAILS & SPA, LLC |
| I | I-12490-0 | Adonica E Chun |
| | I-12491-0 | LEO G WILLIAMS |
| | I-12492-0 | KANANI N DUARTE |
| | I-12493-0 | ZAIRRAH C GEYROZAGA |

1 Services and reducing unnecessary burdens related to Cosmetology
2 licensure. Through this Compact, the Member States seek to
3 establish a regulatory framework which provides for a new
4 multistate licensing program. Through this new licensing
5 program, the Member States seek to provide increased value and
6 mobility to licensed Cosmetologists in the Member States, while
7 ensuring the provision of safe, effective, and reliable services
8 to the public.

9 This Compact is designed to achieve the following objectives,
10 and the Member States hereby ratify the same intentions by
11 subscribing hereto:

12 A. Provide opportunities for interstate practice by
13 Cosmetologists who meet uniform requirements for multistate
14 licensure;

15 B. Enhance the abilities of Member States to protect
16 public health and safety, and prevent fraud and unlicensed
17 activity within the profession;

18 C. Ensure and encourage cooperation between Member States
19 in the licensure and regulation of the Practice of Cosmetology;

20 D. Support relocating military members and their spouses;



1 E. Facilitate the exchange of information between Member
2 States related to the licensure, investigation, and discipline
3 of the Practice of Cosmetology; and

4 F. Provide for the licensure and mobility of the
5 workforce in the profession, while addressing the shortage of
6 workers and lessening the associated burdens on the Member
7 States.

8 **ARTICLE 2. DEFINITIONS**

9 As used in this Compact, and except as otherwise provided, the
10 following definitions shall govern the terms herein:

11 A. "Active Military Member" means any person with full-
12 time duty status in the armed forces of the United States,
13 including members of the National Guard and Reserve.

14 B. "Adverse Action" means any administrative, civil,
15 equitable, or criminal action permitted by a Member State's laws
16 which is imposed by a State Licensing Authority or other
17 regulatory body against a Cosmetologist, including actions
18 against an individual's license or Authorization to Practice
19 such as revocation, suspension, probation, monitoring of the
20 Licensee, limitation of the Licensee's practice, or any other
21 Encumbrance on a license affecting an individual's ability to



1 participate in the Cosmetology industry, including the issuance
2 of a cease and desist order.

3 C. "Authorization to Practice" means a legal
4 authorization associated with a Multistate License permitting
5 the Practice of Cosmetology in that Remote State, which shall be
6 subject to the enforcement jurisdiction of the State Licensing
7 Authority in that Remote State.

8 D. "Alternative Program" means a non-disciplinary
9 monitoring or prosecutorial diversion program approved by a
10 Member State's State Licensing Authority.

11 E. "Background Check" means the submission of information
12 for an applicant for the purpose of obtaining that applicant's
13 criminal history record information, as further defined in 28
14 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and
15 the agency responsible for retaining State criminal or
16 disciplinary history in the applicant's Home State.

17 F. "Charter Member State" means Member States who have
18 enacted legislation to adopt this Compact where such legislation
19 predates the effective date of this Compact as defined in
20 Article 13.



1 G. "Commission" means the government agency whose
2 membership consists of all States that have enacted this
3 Compact, which is known as the Cosmetology Licensure Compact
4 Commission, as defined in Article 9, and which shall operate as
5 an instrumentality of the Member States.

6 H. "Cosmetologist" means an individual licensed in their
7 Home State to practice Cosmetology.

8 I. "Cosmetology", "Cosmetology Services", and the
9 "Practice of Cosmetology" mean the care and services provided by
10 a Cosmetologist as set forth in the Member State's statutes and
11 regulations in the State where the services are being provided.

12 J. "Current Significant Investigative Information" means:

13 1. Investigative Information that a State Licensing
14 Authority, after an inquiry or investigation that
15 complies with a Member State's due process
16 requirements, has reason to believe is not groundless
17 and, if proved true, would indicate a violation of
18 that State's laws regarding fraud or the Practice of
19 Cosmetology; or

20 2. Investigative Information that indicates that a
21 Licensee has engaged in fraud or represents an



1 immediate threat to public health and safety,
2 regardless of whether the Licensee has been notified
3 and had an opportunity to respond.

4 K. "Data System" means a repository of information about
5 Licensees, including, but not limited to, license status,
6 Investigative Information, and Adverse Actions.

7 L. "Disqualifying Event" means any event which shall
8 disqualify an individual from holding a Multistate License under
9 this Compact, which the Commission may by Rule or order specify.

10 M. "Encumbered License" means a license in which an
11 Adverse Action restricts the Practice of Cosmetology by a
12 Licensee, or where said Adverse Action has been reported to the
13 Commission.

14 N. "Encumbrance" means a revocation or suspension of, or
15 any limitation on, the full and unrestricted Practice of
16 Cosmetology by a State Licensing Authority.

17 O. "Executive Committee" means a group of delegates
18 elected or appointed to act on behalf of, and within the powers
19 granted to them by, the Commission.

20 P. "Home State" means the Member State which is a
21 Licensee's primary State of residence, and where that Licensee



1 holds an active and unencumbered license to practice
2 Cosmetology.

3 Q. "Investigative Information" means information,
4 records, or documents received or generated by a State Licensing
5 Authority pursuant to an investigation or other inquiry.

6 R. "Jurisprudence Requirement" means the assessment of an
7 individual's knowledge of the laws and rules governing the
8 Practice of Cosmetology in a State.

9 S. "Licensee" means an individual who currently holds a
10 license from a Member State to practice as a Cosmetologist.

11 T. "Member State" means any State that has adopted this
12 Compact.

13 U. "Multistate License" means a license issued by and
14 subject to the enforcement jurisdiction of the State Licensing
15 Authority in a Licensee's Home State, which authorizes the
16 Practice of Cosmetology in Member States and includes
17 Authorizations to Practice Cosmetology in all Remote States
18 pursuant to this Compact.

19 V. "Remote State" means any Member State, other than the
20 Licensee's Home State.



1 W. "Rule" means any rule or regulation promulgated by the
2 Commission under this Compact which has the force of law.

3 X. "Single-State License" means a Cosmetology license
4 issued by a Member State that authorizes practice of Cosmetology
5 only within the issuing State and does not include any
6 authorization outside of the issuing State.

7 Y. "State" means a State, territory, or possession of the
8 United States and the District of Columbia.

9 Z. "State Licensing Authority" means a Member State's
10 regulatory body responsible for issuing Cosmetology licenses or
11 otherwise overseeing the Practice of Cosmetology in that State.

12 **ARTICLE 3. MEMBER STATE REQUIREMENTS**

13 A. To be eligible to join this Compact, and to maintain
14 eligibility as a Member State, a State must:

- 15 1. License and regulate Cosmetology;
- 16 2. Have a mechanism or entity in place to receive and
17 investigate complaints about Licensees practicing in
18 that State;
- 19 3. Require that Licensees within the State pass a
20 Cosmetology competency examination prior to being

- 1 licensed to provide Cosmetology Services to the public
2 in that State;
- 3 4. Require that Licensees satisfy educational or training
4 requirements in Cosmetology prior to being licensed to
5 provide Cosmetology Services to the public in that
6 State;
- 7 5. Implement procedures for considering one or more of
8 the following categories of information from
9 applicants for licensure: criminal history;
10 disciplinary history; or Background Check. Such
11 procedures may include the submission of information
12 by applicants for the purpose of obtaining an
13 applicant's Background Check as defined herein;
- 14 6. Participate in the Data System, including through the
15 use of unique identifying numbers;
- 16 7. Share information related to Adverse Actions with the
17 Commission and other Member States, both through the
18 Data System and otherwise;
- 19 8. Notify the Commission and other Member States, in
20 compliance with the terms of the Compact and Rules of
21 the Commission, of the existence of Investigative



1 Information or Current Significant Investigative
2 Information in the State's possession regarding a
3 Licensee practicing in that State;

4 9. Comply with such Rules as may be enacted by the
5 Commission to administer the Compact; and

6 10. Accept Licensees from other Member States as
7 established herein.

8 B. Member States may charge a fee for granting a license
9 to practice Cosmetology.

10 C. Individuals not residing in a Member State shall
11 continue to be able to apply for a Member State's Single-State
12 License as provided under the laws of each Member State.
13 However, the Single-State License granted to these individuals
14 shall not be recognized as granting a Multistate License to
15 provide services in any other Member State.

16 D. Nothing in this Compact shall affect the requirements
17 established by a Member State for the issuance of a Single-State
18 License.

19 E. A Multistate License issued to a Licensee by a Home
20 State to a resident of that State shall be recognized by each



1 Member State as authorizing a Licensee to practice Cosmetology
2 in each Member State.

3 F. At no point shall the Commission have the power to
4 define the educational or professional requirements for a
5 license to practice Cosmetology. The Member States shall retain
6 sole jurisdiction over the provision of these requirements.

7 **ARTICLE 4. MULTISTATE LICENSE**

8 A. To be eligible to apply to their Home State's State
9 Licensing Authority for an initial Multistate License under this
10 Compact, a Licensee must hold an active and unencumbered Single-
11 State License to practice Cosmetology in their Home State.

12 B. Upon the receipt of an application for a Multistate
13 License, according to the Rules of the Commission, a Member
14 State's State Licensing Authority shall ascertain whether the
15 applicant meets the requirements for a Multistate License under
16 this Compact.

17 C. If an applicant meets the requirements for a
18 Multistate License under this Compact and any applicable Rules
19 of the Commission, the State Licensing Authority in receipt of
20 the application shall, within a reasonable time, grant a



1 Multistate License to that applicant, and inform all Member
2 States of the grant of said Multistate License.

3 D. A Multistate License to practice Cosmetology issued by
4 a Member State's State Licensing Authority shall be recognized
5 by each Member State as authorizing the practice thereof as
6 though that Licensee held a Single-State License to do so in
7 each Member State, subject to the restrictions herein.

8 E. A Multistate License granted pursuant to this Compact
9 may be effective for a definite period of time, concurrent with
10 the licensure renewal period in the Home State.

11 F. To maintain a Multistate License under this Compact, a
12 Licensee must:

- 13 1. Agree to abide by the rules of the State Licensing
14 Authority, and the State scope of practice laws
15 governing the Practice of Cosmetology, of any Member
16 State in which the Licensee provides services;
- 17 2. Pay all required fees related to the application and
18 process, and any other fees which the Commission may
19 by Rule require; and



1 3. Comply with any and all other requirements regarding
2 Multistate Licenses which the Commission may by Rule
3 provide.

4 G. A Licensee practicing in a Member State is subject to
5 all scope of practice laws governing Cosmetology Services in
6 that State.

7 H. The Practice of Cosmetology under a Multistate License
8 granted pursuant to this Compact will subject the Licensee to
9 the jurisdiction of the State Licensing Authority, the courts,
10 and the laws of the Member State in which the Cosmetology
11 Services are provided.

12 **ARTICLE 5. REISSUANCE OF A MULTISTATE LICENSE BY A NEW**
13 **HOME STATE**

14 A. A Licensee may hold a Multistate License, issued by
15 their Home State, in only one Member State at any given time.

16 B. If a Licensee changes their Home State by moving
17 between two Member States:

18 1. The Licensee shall immediately apply for the
19 reissuance of their Multistate License in their new
20 Home State. The Licensee shall pay all applicable



1 fees and notify the prior Home State in accordance
2 with the Rules of the Commission.

3 2. Upon receipt of an application to reissue a Multistate
4 License, the new Home State shall verify that the
5 Multistate License is active, unencumbered and
6 eligible for reissuance under the terms of the Compact
7 and the Rules of the Commission. The Multistate
8 License issued by the prior Home State will be
9 deactivated and all Member States notified in
10 accordance with the applicable Rules adopted by the
11 Commission.

12 3. If required for initial licensure, the new Home State
13 may require a Background Check as specified in the
14 laws of that State, or the compliance with any
15 Jurisprudence Requirements of the new Home State.

16 4. Notwithstanding any other provision of this Compact,
17 if a Licensee does not meet the requirements set forth
18 in this Compact for the reissuance of a Multistate
19 License by the new Home State, then the Licensee shall
20 be subject to the new Home State requirements for the
21 issuance of a Single-State License in that State.



1 C. If a Licensee changes their primary state of residence
2 by moving from a Member State to a non-Member State, or from a
3 non-Member State to a Member State, then the Licensee shall be
4 subject to the State requirements for the issuance of a Single-
5 State License in the new Home State.

6 D. Nothing in this Compact shall interfere with a
7 Licensee's ability to hold a Single-State License in multiple
8 States; however, for the purposes of this Compact, a Licensee
9 shall have only one Home State, and only one Multistate License.

10 E. Nothing in this Compact shall interfere with the
11 requirements established by a Member State for the issuance of a
12 Single-State License.

13 **ARTICLE 6. AUTHORITY OF THE COMPACT COMMISSION AND MEMBER**
14 **STATE LICENSING AUTHORITIES**

15 A. Nothing in this Compact, nor any Rule or regulation of
16 the Commission, shall be construed to limit, restrict, or in any
17 way reduce the ability of a Member State to enact and enforce
18 laws, regulations, or other rules related to the Practice of
19 Cosmetology in that State, where those laws, regulations, or
20 other rules are not inconsistent with the provisions of this
21 Compact.



1 B. Insofar as practical, a Member State's State Licensing
2 Authority shall cooperate with the Commission and with each
3 entity exercising independent regulatory authority over the
4 Practice of Cosmetology according to the provisions of this
5 Compact.

6 C. Discipline shall be the sole responsibility of the
7 State in which Cosmetology Services are provided. Accordingly,
8 each Member State's State Licensing Authority shall be
9 responsible for receiving complaints about individuals
10 practicing Cosmetology in that State, and for communicating all
11 relevant Investigative Information about any such Adverse Action
12 to the other Member States through the Data System in addition
13 to any other methods the Commission may by Rule require.

14 **ARTICLE 7. ADVERSE ACTIONS**

15 A. A Licensee's Home State shall have exclusive power to
16 impose an Adverse Action against a Licensee's Multistate License
17 issued by the Home State.

18 B. A Home State may take Adverse Action on a Multistate
19 License based on the Investigative Information, Current
20 Significant Investigative Information, or Adverse Action of a
21 Remote State.



1 C. In addition to the powers conferred by State law, each
2 Remote State's State Licensing Authority shall have the power
3 to:

4 1. Take Adverse Action against a Licensee's Authorization
5 to Practice Cosmetology through the Multistate License
6 in that Member State, provided that:

7 a. Only the Licensee's Home State shall have the
8 power to take Adverse Action against the
9 Multistate License issued by the Home State; and

10 b. For the purposes of taking Adverse Action, the
11 Home State's State Licensing Authority shall give
12 the same priority and effect to reported conduct
13 received from a Remote State as it would if such
14 conduct had occurred within the Home State. In
15 so doing, the Home State shall apply its own
16 State laws to determine the appropriate action.

17 2. Issue cease and desist orders or impose an Encumbrance
18 on a Licensee's Authorization to Practice within that
19 Member State.

20 3. Complete any pending investigations of a Licensee who
21 changes their primary state of residence during the



1 course of such an investigation. The State Licensing
2 Authority shall also be empowered to report the
3 results of such an investigation to the Commission
4 through the Data System as described herein.

5 (4) Issue subpoenas for both hearings and investigations
6 that require the attendance and testimony of
7 witnesses, as well as the production of evidence.
8 Subpoenas issued by a State Licensing Authority in a
9 Member State for the attendance and testimony of
10 witnesses or the production of evidence from another
11 Member State shall be enforced in the latter State by
12 any court of competent jurisdiction, according to the
13 practice and procedure of that court applicable to
14 subpoenas issued in proceedings before it. The
15 issuing State Licensing Authority shall pay any
16 witness fees, travel expenses, mileage, and other fees
17 required by the service statutes of the State in which
18 the witnesses or evidence are located.

19 (5) If otherwise permitted by State law, recover from the
20 affected Licensee the costs of investigations and



1 disposition of cases resulting from any Adverse Action
2 taken against that Licensee.

3 (6) Take Adverse Action against the Licensee's
4 Authorization to Practice in that State based on the
5 factual findings of another Remote State.

6 D. A Licensee's Home State shall complete any pending
7 investigation(s) of a Cosmetologist who changes their primary
8 state of residence during the course of the investigation(s).
9 The Home State shall also have the authority to take appropriate
10 action(s) and shall promptly report the conclusions of the
11 investigations to the Data System.

12 E. If an Adverse Action is taken by the Home State
13 against a Licensee's Multistate License, the Licensee's
14 Authorization to Practice in all other Member States shall be
15 deactivated until all Encumbrances have been removed from the
16 Home State license. All Home State disciplinary orders that
17 impose an Adverse Action against a Licensee's Multistate License
18 shall include a statement that the Cosmetologist's Authorization
19 to Practice is deactivated in all Member States during the
20 pendency of the order.



1 F. Nothing in this Compact shall override a Member
2 State's authority to accept a Licensee's participation in an
3 Alternative Program in lieu of Adverse Action. A Licensee's
4 Multistate License shall be suspended for the duration of the
5 Licensee's participation in any Alternative Program.

6 G. Joint Investigations:

- 7 1. In addition to the authority granted to a Member State
8 by its respective scope of practice laws or other
9 applicable State law, a Member State may participate
10 with other Member States in joint investigations of
11 Licensees.
- 12 2. Member States shall share any investigative,
13 litigation, or compliance materials in furtherance of
14 any joint or individual investigation initiated under
15 the Compact.

16 **ARTICLE 8. ACTIVE MILITARY MEMBERS AND THEIR SPOUSES**

17 Active Military Members, or their spouses, shall designate a
18 Home State where the individual has a current license to
19 practice Cosmetology in good standing. The individual may
20 retain their Home State designation during any period of service



1 when that individual or their spouse is on active duty
2 assignment.

3 **ARTICLE 9. ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY**
4 **LICENSURE COMPACT COMMISSION**

5 A. The Compact Member States hereby create and establish
6 a joint government agency whose membership consists of all
7 Member States that have enacted the Compact known as the
8 Cosmetology Licensure Compact Commission. The Commission is an
9 instrumentality of the Compact Member States acting jointly and
10 not an instrumentality of any one State. The Commission shall
11 come into existence on or after the effective date of the
12 Compact as set forth in Article 13.

13 B. Membership, Voting, and Meetings

- 14 1. Each Member State shall have and be limited to one (1)
15 delegate selected by that Member State's State
16 Licensing Authority.
- 17 2. The delegate shall be an administrator of the State
18 Licensing Authority of the Member State or their
19 designee.



- 1 3. The Commission shall by Rule or bylaw establish a term
2 of office for delegates and may by Rule or bylaw
3 establish term limits.
- 4 4. The Commission may recommend removal or suspension of
5 any delegate from office.
- 6 5. A Member State's State Licensing Authority shall fill
7 any vacancy of its delegate occurring on the
8 Commission within 60 days of the vacancy.
- 9 6. Each delegate shall be entitled to one vote on all
10 matters that are voted on by the Commission.
- 11 7. The Commission shall meet at least once during each
12 calendar year. Additional meetings may be held as set
13 forth in the bylaws. The Commission may meet by
14 telecommunication, video conference or other similar
15 electronic means.
- 16 C. The Commission shall have the following powers:
 - 17 1. Establish the fiscal year of the Commission;
 - 18 2. Establish code of conduct and conflict of interest
19 policies;
 - 20 3. Adopt Rules and bylaws;



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- 1 4. Maintain its financial records in accordance with the
2 bylaws;
- 3 5. Meet and take such actions as are consistent with the
4 provisions of this Compact, the Commission's Rules,
5 and the bylaws;
- 6 6. Initiate and conclude legal proceedings or actions in
7 the name of the Commission, provided that the standing
8 of any State Licensing Authority to sue or be sued
9 under applicable law shall not be affected;
- 10 7. Maintain and certify records and information provided
11 to a Member State as the authenticated business
12 records of the Commission, and designate an agent to
13 do so on the Commission's behalf;
- 14 8. Purchase and maintain insurance and bonds;
- 15 9. Borrow, accept, or contract for services of personnel,
16 including, but not limited to, employees of a Member
17 State;
- 18 10. Conduct an annual financial review;
- 19 11. Hire employees, elect or appoint officers, fix
20 compensation, define duties, grant such individuals
21 appropriate authority to carry out the purposes of the



1 Compact, and establish the Commission's personnel
2 policies and programs relating to conflicts of
3 interest, qualifications of personnel, and other
4 related personnel matters;

5 12. As set forth in the Commission Rules, charge a fee to
6 a Licensee for the grant of a Multistate License and
7 thereafter, as may be established by Commission Rule,
8 charge the Licensee a Multistate License renewal fee
9 for each renewal period. Nothing herein shall be
10 construed to prevent a Home State from charging a
11 Licensee a fee for a Multistate License or renewals of
12 a Multistate License, or a fee for the jurisprudence
13 requirement if the Member State imposes such a
14 requirement for the grant of a Multistate License;

15 13. Assess and collect fees;

16 14. Accept any and all appropriate gifts, donations,
17 grants of money, other sources of revenue, equipment,
18 supplies, materials, and services, and receive,
19 utilize, and dispose of the same; provided that at all
20 times the Commission shall avoid any appearance of
21 impropriety or conflict of interest;



- 1 15. Lease, purchase, retain, own, hold, improve, or use
- 2 any property, real, personal, or mixed, or any
- 3 undivided interest therein;
- 4 16. Sell, convey, mortgage, pledge, lease, exchange,
- 5 abandon, or otherwise dispose of any property real,
- 6 personal, or mixed;
- 7 17. Establish a budget and make expenditures;
- 8 18. Borrow money;
- 9 19. Appoint committees, including standing committees,
- 10 composed of members, State regulators, State
- 11 legislators or their representatives, and consumer
- 12 representatives, and such other interested persons as
- 13 may be designated in this Compact and the bylaws;
- 14 20. Provide and receive information from, and cooperate
- 15 with, law enforcement agencies;
- 16 21. Elect a Chair, Vice Chair, Secretary and Treasurer and
- 17 such other officers of the Commission as provided in
- 18 the Commission's bylaws;
- 19 22. Establish and elect an Executive Committee, including
- 20 a chair and a vice chair;



- 1 23. Adopt and provide to the Member States an annual
2 report;
- 3 24. Determine whether a State's adopted language is
4 materially different from the model Compact language
5 such that the State would not qualify for
6 participation in the Compact; and
- 7 25. Perform such other functions as may be necessary or
8 appropriate to achieve the purposes of this Compact.
- 9 D. The Executive Committee
- 10 1. The Executive Committee shall have the power to act on
11 behalf of the Commission according to the terms of
12 this Compact. The powers, duties, and
13 responsibilities of the Executive Committee shall
14 include:
- 15 a. Overseeing the day-to-day activities of the
16 administration of the Compact including
17 compliance with the provisions of the Compact,
18 the Commission's Rules and bylaws, and other such
19 duties as deemed necessary;
- 20 b. Recommending to the Commission changes to the
21 Rules or bylaws, changes to this Compact



- 1 legislation, fees charged to Compact Member
2 States, fees charged to Licensees, and other
3 fees;
- 4 c. Ensuring Compact administration services are
5 appropriately provided, including by contract;
- 6 d. Preparing and recommending the budget;
- 7 e. Maintaining financial records on behalf of the
8 Commission;
- 9 f. Monitoring Compact compliance of Member States
10 and providing compliance reports to the
11 Commission;
- 12 g. Establishing additional committees as necessary;
- 13 h. Exercising the powers and duties of the
14 Commission during the interim between Commission
15 meetings, except for adopting or amending Rules,
16 adopting or amending bylaws, and exercising any
17 other powers and duties expressly reserved to the
18 Commission by Rule or bylaw; and
- 19 i. Other duties as provided in the Rules or bylaws
20 of the Commission.



- 1 2. The Executive Committee shall be composed of up to
2 seven voting members:
- 3 a. The chair and vice chair of the Commission and
4 any other members of the Commission who serve on
5 the Executive Committee shall be voting members
6 of the Executive Committee; and
- 7 b. Other than the chair, vice-chair, secretary and
8 treasurer, the Commission shall elect three
9 voting members from the current membership of the
10 Commission.
- 11 c. The Commission may elect ex-officio, nonvoting
12 members from a recognized national Cosmetology
13 professional association as approved by the
14 Commission. The Commission's bylaws shall
15 identify qualifying organizations and the manner
16 of appointment if the number of organizations
17 seeking to appoint an ex-officio member exceeds
18 the number of members specified in this Article.
- 19 3. The Commission may remove any member of the Executive
20 Committee as provided in the Commission's bylaws.
- 21 4. The Executive Committee shall meet at least annually.



- 1 a. Annual Executive Committee meetings, as well as
2 any Executive Committee meeting at which it does
3 not take or intend to take formal action on a
4 matter for which a Commission vote would
5 otherwise be required, shall be open to the
6 public, except that the Executive Committee may
7 meet in a closed, non-public session of a public
8 meeting when dealing with any of the matters
9 covered under Article 9.F.4.
- 10 b. The Executive Committee shall give five business
11 days advance notice of its public meetings,
12 posted on its website and as determined to
13 provide notice to persons with an interest in the
14 public matters the Executive Committee intends to
15 address at those meetings.
- 16 5. The Executive Committee may hold an emergency meeting
17 when acting for the Commission to:
- 18 a. Meet an imminent threat to public health, safety,
19 or welfare;
- 20 b. Prevent a loss of Commission or Member State
21 funds; or



1 c. Protect public health and safety.

2 E. The Commission shall adopt and provide to the Member
3 States an annual report.

4 F. Meetings of the Commission

5 1. All meetings of the Commission that are not closed
6 pursuant to Article 9.F.4 shall be open to the public.
7 Notice of public meetings shall be posted on the
8 Commission's website at least thirty (30) days prior
9 to the public meeting.

10 2. Notwithstanding Article 9.F.1, the Commission may
11 convene an emergency public meeting by providing at
12 least twenty-four (24) hours prior notice on the
13 Commission's website, and any other means as provided
14 in the Commission's Rules, for any of the reasons it
15 may dispense with notice of proposed rulemaking under
16 Article 11.L. The Commission's legal counsel shall
17 certify that one of the reasons justifying an
18 emergency public meeting has been met.

19 3. Notice of all Commission meetings shall provide the
20 time, date, and location of the meeting, and if the
21 meeting is to be held or accessible via



1 telecommunication, video conference, or other
2 electronic means, the notice shall include the
3 mechanism for access to the meeting.

4 4. The Commission may convene in a closed, non-public
5 meeting for the Commission to discuss:

- 6 a. Non-compliance of a Member State with its
7 obligations under the Compact;
- 8 b. The employment, compensation, discipline or other
9 matters, practices or procedures related to
10 specific employees or other matters related to
11 the Commission's internal personnel practices and
12 procedures;
- 13 c. Current or threatened discipline of a Licensee by
14 the Commission or by a Member State's Licensing
15 Authority;
- 16 d. Current, threatened, or reasonably anticipated
17 litigation;
- 18 e. Negotiation of contracts for the purchase, lease,
19 or sale of goods, services, or real estate;
- 20 f. Accusing any person of a crime or formally
21 censuring any person;



- 1 g. Trade secrets or commercial or financial
- 2 information that is privileged or confidential;
- 3 h. Information of a personal nature where disclosure
- 4 would constitute a clearly unwarranted invasion
- 5 of personal privacy;
- 6 i. Investigative records compiled for law
- 7 enforcement purposes;
- 8 j. Information related to any investigative reports
- 9 prepared by or on behalf of or for use of the
- 10 Commission or other committee charged with
- 11 responsibility of investigation or determination
- 12 of compliance issues pursuant to the Compact;
- 13 k. Legal advice;
- 14 l. Matters specifically exempted from disclosure to
- 15 the public by federal or Member State law; or
- 16 m. Other matters as promulgated by the Commission by
- 17 Rule.
- 18 5. If a meeting, or portion of a meeting, is closed, the
- 19 presiding officer shall state that the meeting will be
- 20 closed and reference each relevant exempting



1 provision, and such reference shall be recorded in the
2 minutes.

3 6. The Commission shall keep minutes that fully and
4 clearly describe all matters discussed in a meeting
5 and shall provide a full and accurate summary of
6 actions taken, and the reasons therefore, including a
7 description of the views expressed. All documents
8 considered in connection with an action shall be
9 identified in such minutes. All minutes and documents
10 of a closed meeting shall remain under seal, subject
11 to release only by a majority vote of the Commission
12 or order of a court of competent jurisdiction.

13 G. Financing of the Commission

14 1. The Commission shall pay, or provide for the payment
15 of, the reasonable expenses of its establishment,
16 organization, and ongoing activities.

17 2. The Commission may accept any and all appropriate
18 sources of revenue, donations, and grants of money,
19 equipment, supplies, materials, and services.

20 3. The Commission may levy on and collect an annual
21 assessment from each Member State and impose fees on



1 Licensees of Member States to whom it grants a
2 Multistate License to cover the cost of the operations
3 and activities of the Commission and its staff, which
4 must be in a total amount sufficient to cover its
5 annual budget as approved each year for which revenue
6 is not provided by other sources. The aggregate
7 annual assessment amount for Member States shall be
8 allocated based upon a formula that the Commission
9 shall promulgate by Rule.

10 4. The Commission shall not incur obligations of any kind
11 prior to securing the funds adequate to meet the same;
12 nor shall the Commission pledge the credit of any
13 Member States, except by and with the authority of the
14 Member State.

15 5. The Commission shall keep accurate accounts of all
16 receipts and disbursements. The receipts and
17 disbursements of the Commission shall be subject to
18 the financial review and accounting procedures
19 established under its bylaws. All receipts and
20 disbursements of funds handled by the Commission shall
21 be subject to an annual financial review by a



1 certified or licensed public accountant, and the
2 report of the financial review shall be included in
3 and become part of the annual report of the
4 Commission.

5 H. Qualified Immunity, Defense, and Indemnification

6 1. The members, officers, executive director, employees
7 and representatives of the Commission shall be immune
8 from suit and liability, both personally and in their
9 official capacity, for any claim for damage to or loss
10 of property or personal injury or other civil
11 liability caused by or arising out of any actual or
12 alleged act, error, or omission that occurred, or that
13 the person against whom the claim is made had a
14 reasonable basis for believing occurred within the
15 scope of Commission employment, duties or
16 responsibilities; provided that nothing in this
17 paragraph shall be construed to protect any such
18 person from suit or liability for any damage, loss,
19 injury, or liability caused by the intentional or
20 willful or wanton misconduct of that person. The
21 procurement of insurance of any type by the Commission

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1 shall not in any way compromise or limit the immunity
2 granted hereunder.

3 2. The Commission shall defend any member, officer,
4 executive director, employee, and representative of
5 the Commission in any civil action seeking to impose
6 liability arising out of any actual or alleged act,
7 error, or omission that occurred within the scope of
8 Commission employment, duties, or responsibilities, or
9 as determined by the Commission that the person
10 against whom the claim is made had a reasonable basis
11 for believing occurred within the scope of Commission
12 employment, duties, or responsibilities; provided that
13 nothing herein shall be construed to prohibit that
14 person from retaining their own counsel at their own
15 expense; and provided further, that the actual or
16 alleged act, error, or omission did not result from
17 that person's intentional or willful or wanton
18 misconduct.

19 3. The Commission shall indemnify and hold harmless any
20 member, officer, executive director, employee, and
21 representative of the Commission for the amount of any



1 settlement or judgment obtained against that person
2 arising out of any actual or alleged act, error, or
3 omission that occurred within the scope of Commission
4 employment, duties, or responsibilities, or that such
5 person had a reasonable basis for believing occurred
6 within the scope of Commission employment, duties, or
7 responsibilities; provided that the actual or alleged
8 act, error, or omission did not result from the
9 intentional or willful or wanton misconduct of that
10 person.

11 4. Nothing herein shall be construed as a limitation on
12 the liability of any Licensee for professional
13 malpractice or misconduct, which shall be governed
14 solely by any other applicable State laws.

15 5. Nothing in this Compact shall be interpreted to waive
16 or otherwise abrogate a Member State's State action
17 immunity or State action affirmative defense with
18 respect to antitrust claims under the Sherman Act,
19 Clayton Act, or any other State or federal antitrust
20 or anticompetitive law or regulation.



1 6. Nothing in this Compact shall be construed to be a
2 waiver of sovereign immunity by the Member States or
3 by the Commission.

4 **ARTICLE 10. DATA SYSTEM**

5 A. The Commission shall provide for the development,
6 maintenance, operation, and utilization of a coordinated
7 database and reporting system.

8 B. The Commission shall assign each applicant for a
9 Multistate License a unique identifier, as determined by the
10 Rules of the Commission.

11 C. Notwithstanding any other provision of State law to
12 the contrary, a Member State shall submit a uniform data set to
13 the Data System on all individuals to whom this Compact is
14 applicable as required by the Rules of the Commission,
15 including:

- 16 1. Identifying information;
- 17 2. Licensure data;
- 18 3. Adverse Actions against a license and information
19 related thereto;
- 20 4. Non-confidential information related to Alternative
21 Program participation, the beginning and ending dates



1 of such participation, and other information related
2 to such participation;

3 5. Any denial of application for licensure, and the
4 reason(s) for such denial (excluding the reporting of
5 any criminal history record information where
6 prohibited by law);

7 6. The existence of Investigative Information;

8 7. The existence of Current Significant Investigative
9 Information; and

10 8. Other information that may facilitate the
11 administration of this Compact or the protection of
12 the public, as determined by the Rules of the
13 Commission.

14 D. The records and information provided to a Member State
15 pursuant to this Compact or through the Data System, when
16 certified by the Commission or an agent thereof, shall
17 constitute the authenticated business records of the Commission,
18 and shall be entitled to any associated hearsay exception in any
19 relevant judicial, quasi-judicial or administrative proceedings
20 in a Member State.



1 E. The existence of Current Significant Investigative
2 Information and the existence of Investigative Information
3 pertaining to a Licensee in any Member State will only be
4 available to other Member States.

5 F. It is the responsibility of the Member States to
6 monitor the database to determine whether Adverse Action has
7 been taken against such a Licensee or License applicant.
8 Adverse Action information pertaining to a Licensee or License
9 applicant in any Member State will be available to any other
10 Member State.

11 G. Member States contributing information to the Data
12 System may designate information that may not be shared with the
13 public without the express permission of the contributing State.

14 H. Any information submitted to the Data System that is
15 subsequently expunged pursuant to federal law or the laws of the
16 Member State contributing the information shall be removed from
17 the Data System.

18 **ARTICLE 11. RULEMAKING**

19 A. The Commission shall promulgate reasonable Rules in
20 order to effectively and efficiently implement and administer
21 the purposes and provisions of the Compact. A Rule shall be



1 invalid and have no force or effect only if a court of competent
2 jurisdiction holds that the Rule is invalid because the
3 Commission exercised its rulemaking authority in a manner that
4 is beyond the scope and purposes of the Compact, or the powers
5 granted hereunder, or based upon another applicable standard of
6 review.

7 B. The Rules of the Commission shall have the force of
8 law in each Member State; provided however that where the Rules
9 of the Commission conflict with the laws of the Member State
10 that establish the Member State's scope of practice laws
11 governing the Practice of Cosmetology as held by a court of
12 competent jurisdiction, the Rules of the Commission shall be
13 ineffective in that State to the extent of the conflict.

14 C. The Commission shall exercise its rulemaking powers
15 pursuant to the criteria set forth in this Article and the Rules
16 adopted thereunder. Rules shall become binding as of the date
17 specified by the Commission for each Rule.

18 D. If a majority of the legislatures of the Member States
19 rejects a Rule or portion of a Rule, by enactment of a statute
20 or resolution in the same manner used to adopt the Compact
21 within four (4) years of the date of adoption of the Rule, then



1 such Rule shall have no further force and effect in any Member
2 State or to any State applying to participate in the Compact.

3 E. Rules shall be adopted at a regular or special meeting
4 of the Commission.

5 F. Prior to adoption of a proposed Rule, the Commission
6 shall hold a public hearing and allow persons to provide oral
7 and written comments, data, facts, opinions, and arguments.

8 G. Prior to adoption of a proposed Rule by the
9 Commission, and at least thirty (30) days in advance of the
10 meeting at which the Commission will hold a public hearing on
11 the proposed Rule, the Commission shall provide a notice of
12 proposed rulemaking:

- 13 1. On the website of the Commission or other publicly
14 accessible platform;
- 15 2. To persons who have requested notice of the
16 Commission's notices of proposed rulemaking; and
- 17 3. In such other way(s) as the Commission may by Rule
18 specify.

19 H. The notice of proposed rulemaking shall include:

- 20 1. The time, date, and location of the public hearing at
21 which the Commission will hear public comments on the



1 proposed Rule and, if different, the time, date, and
2 location of the meeting where the Commission will
3 consider and vote on the proposed Rule;

4 2. If the hearing is held via telecommunication, video
5 conference, or other electronic means, the Commission
6 shall include the mechanism for access to the hearing
7 in the notice of proposed rulemaking;

8 3. The text of the proposed Rule and the reason therefor;

9 4. A request for comments on the proposed Rule from any
10 interested person; and

11 5. The manner in which interested persons may submit
12 written comments.

13 I. All hearings will be recorded. A copy of the
14 recording and all written comments and documents received by the
15 Commission in response to the proposed Rule shall be available
16 to the public.

17 J. Nothing in this Article shall be construed as
18 requiring a separate hearing on each Rule. Rules may be grouped
19 for the convenience of the Commission at hearings required by
20 this Article.



1 K. The Commission shall, by majority vote of all members,
2 take final action on the proposed Rule based on the rulemaking
3 record and the full text of the Rule.

4 1. The Commission may adopt changes to the proposed Rule
5 provided the changes do not enlarge the original
6 purpose of the proposed Rule.

7 2. The Commission shall provide an explanation of the
8 reasons for substantive changes made to the proposed
9 Rule as well as reasons for substantive changes not
10 made that were recommended by commenters.

11 3. The Commission shall determine a reasonable effective
12 date for the Rule. Except for an emergency as
13 provided in Article 11.L, the effective date of the
14 Rule shall be no sooner than forty-five (45) days
15 after the Commission issuing the notice that it
16 adopted or amended the Rule.

17 L. Upon determination that an emergency exists, the
18 Commission may consider and adopt an emergency Rule with five
19 (5) days' notice, with opportunity to comment; provided that the
20 usual rulemaking procedures provided in the Compact and in this
21 Article shall be retroactively applied to the Rule as soon as



1 reasonably possible, in no event later than ninety (90) days
2 after the effective date of the Rule. For the purposes of this
3 provision, an emergency Rule is one that must be adopted
4 immediately to:

- 5 1. Meet an imminent threat to public health, safety, or
6 welfare;
- 7 2. Prevent a loss of Commission or Member State funds;
- 8 3. Meet a deadline for the promulgation of a Rule that is
9 established by federal law or rule; or
- 10 4. Protect public health and safety.

11 M. The Commission or an authorized committee of the
12 Commission may direct revisions to a previously adopted Rule for
13 purposes of correcting typographical errors, errors in format,
14 errors in consistency, or grammatical errors. Public notice of
15 any revisions shall be posted on the website of the Commission.
16 The revision shall be subject to challenge by any person for a
17 period of thirty (30) days after posting. The revision may be
18 challenged only on grounds that the revision results in a
19 material change to a Rule. A challenge shall be made in writing
20 and delivered to the Commission prior to the end of the notice
21 period. If no challenge is made, the revision will take effect



1 without further action. If the revision is challenged, the
2 revision may not take effect without the approval of the
3 Commission.

4 N. No Member State's rulemaking requirements shall apply
5 under this Compact.

6 **ARTICLE 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

7 A. Oversight

8 1. The executive and judicial branches of State
9 government in each Member State shall enforce this
10 Compact and take all actions necessary and appropriate
11 to implement the Compact.

12 2. Venue is proper and judicial proceedings by or against
13 the Commission shall be brought solely and exclusively
14 in a court of competent jurisdiction where the
15 principal office of the Commission is located. The
16 Commission may waive venue and jurisdictional defenses
17 to the extent it adopts or consents to participate in
18 alternative dispute resolution proceedings. Nothing
19 herein shall affect or limit the selection or
20 propriety of venue in any action against a Licensee



1 for professional malpractice, misconduct or any such
2 similar matter.

3 3. The Commission shall be entitled to receive service of
4 process in any proceeding regarding the enforcement or
5 interpretation of the Compact and shall have standing
6 to intervene in such a proceeding for all purposes.
7 Failure to provide the Commission service of process
8 shall render a judgment or order void as to the
9 Commission, this Compact, or promulgated Rules.

10 B. Default, Technical Assistance, and Termination

11 1. If the Commission determines that a Member State has
12 defaulted in the performance of its obligations or
13 responsibilities under this Compact or the promulgated
14 Rules, the Commission shall provide written notice to
15 the defaulting State. The notice of default shall
16 describe the default, the proposed means of curing the
17 default, and any other action that the Commission may
18 take, and shall offer training and specific technical
19 assistance regarding the default.

20 2. The Commission shall provide a copy of the notice of
21 default to the other Member States.



- 1 3. If a State in default fails to cure the default, the
2 defaulting State may be terminated from the Compact
3 upon an affirmative vote of a majority of the
4 delegates of the Member States, and all rights,
5 privileges and benefits conferred on that State by
6 this Compact may be terminated on the effective date
7 of termination. A cure of the default does not
8 relieve the offending State of obligations or
9 liabilities incurred during the period of default.
- 10 4. Termination of membership in the Compact shall be
11 imposed only after all other means of securing
12 compliance have been exhausted. Notice of intent to
13 suspend or terminate shall be given by the Commission
14 to the governor, the majority and minority leaders of
15 the defaulting State's legislature, the defaulting
16 State's State Licensing Authority and each of the
17 Member States' State Licensing Authority.
- 18 5. A State that has been terminated is responsible for
19 all assessments, obligations, and liabilities incurred
20 through the effective date of termination, including



1 obligations that extend beyond the effective date of
2 termination.

3 6. Upon the termination of a State's membership from this
4 Compact, that State shall immediately provide notice
5 to all Licensees who hold a Multistate License within
6 that State of such termination. The terminated State
7 shall continue to recognize all licenses granted
8 pursuant to this Compact for a minimum of one hundred
9 eighty (180) days after the date of said notice of
10 termination.

11 7. The Commission shall not bear any costs related to a
12 State that is found to be in default or that has been
13 terminated from the Compact, unless agreed upon in
14 writing between the Commission and the defaulting
15 State.

16 8. The defaulting State may appeal the action of the
17 Commission by petitioning the United States District
18 Court for the District of Columbia or the federal
19 district where the Commission has its principal
20 offices. The prevailing party shall be awarded all



1 costs of such litigation, including reasonable
2 attorney's fees.

3 C. Dispute Resolution

4 1. Upon request by a Member State, the Commission shall
5 attempt to resolve disputes related to the Compact
6 that arise among Member States and between Member and
7 non-Member States.

8 2. The Commission shall promulgate a Rule providing for
9 both mediation and binding dispute resolution for
10 disputes as appropriate.

11 D. Enforcement

12 1. The Commission, in the reasonable exercise of its
13 discretion, shall enforce the provisions of this
14 Compact and the Commission's Rules.

15 2. By majority vote as provided by Commission Rule, the
16 Commission may initiate legal action against a Member
17 State in default in the United States District Court
18 for the District of Columbia or the federal district
19 where the Commission has its principal offices to
20 enforce compliance with the provisions of the Compact
21 and its promulgated Rules. The relief sought may



1 include both injunctive relief and damages. In the
2 event judicial enforcement is necessary, the
3 prevailing party shall be awarded all costs of such
4 litigation, including reasonable attorney's fees. The
5 remedies herein shall not be the exclusive remedies of
6 the Commission. The Commission may pursue any other
7 remedies available under federal or the defaulting
8 Member State's law.

9 3. A Member State may initiate legal action against the
10 Commission in the United States District Court for the
11 District of Columbia or the federal district where the
12 Commission has its principal offices to enforce
13 compliance with the provisions of the Compact and its
14 promulgated Rules. The relief sought may include both
15 injunctive relief and damages. In the event judicial
16 enforcement is necessary, the prevailing party shall
17 be awarded all costs of such litigation, including
18 reasonable attorney's fees.

19 4. No individual or entity other than a Member State may
20 enforce this Compact against the Commission.

21 **ARTICLE 13. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**



1 A. The Compact shall come into effect on the date on
2 which the Compact statute is enacted into law in the seventh
3 Member State.

4 1. On or after the effective date of the Compact, the
5 Commission shall convene and review the enactment of
6 each of the Charter Member States to determine if the
7 statute enacted by each such Charter Member State is
8 materially different than the model Compact statute.

9 a. A Charter Member State whose enactment is found
10 to be materially different from the model Compact
11 statute shall be entitled to the default process
12 set forth in Article 12.

13 b. If any Member State is later found to be in
14 default, or is terminated or withdraws from the
15 Compact, the Commission shall remain in existence
16 and the Compact shall remain in effect even if
17 the number of Member States should be less than
18 seven (7).

19 2. Member States enacting the Compact subsequent to the
20 Charter Member States shall be subject to the process
21 set forth in Article 9.C.24 to determine if their



1 enactments are materially different from the model
2 Compact statute and whether they qualify for
3 participation in the Compact.

4 3. All actions taken for the benefit of the Commission or
5 in furtherance of the purposes of the administration
6 of the Compact prior to the effective date of the
7 Compact or the Commission coming into existence shall
8 be considered to be actions of the Commission unless
9 specifically repudiated by the Commission.

10 4. Any State that joins the Compact shall be subject to
11 the Commission's Rules and bylaws as they exist on the
12 date on which the Compact becomes law in that State.
13 Any Rule that has been previously adopted by the
14 Commission shall have the full force and effect of law
15 on the day the Compact becomes law in that State.

16 B. Any Member State may withdraw from this Compact by
17 enacting a statute repealing that State's enactment of the
18 Compact.

19 1. A Member State's withdrawal shall not take effect
20 until one hundred eighty (180) days after enactment of
21 the repealing statute.



1 2. Withdrawal shall not affect the continuing requirement
2 of the withdrawing State's State Licensing Authority
3 to comply with the investigative and Adverse Action
4 reporting requirements of this Compact prior to the
5 effective date of withdrawal.

6 3. Upon the enactment of a statute withdrawing from this
7 Compact, a State shall immediately provide notice of
8 such withdrawal to all Licensees within that State.
9 Notwithstanding any subsequent statutory enactment to
10 the contrary, such withdrawing State shall continue to
11 recognize all licenses granted pursuant to this
12 Compact for a minimum of one hundred eighty (180) days
13 after the date of such notice of withdrawal.

14 C. Nothing contained in this Compact shall be construed
15 to invalidate or prevent any licensure agreement or other
16 cooperative arrangement between a Member State and a non-Member
17 State that does not conflict with the provisions of this
18 Compact.

19 D. This Compact may be amended by the Member States. No
20 amendment to this Compact shall become effective and binding



1 upon any Member State until it is enacted into the laws of all
2 Member States.

3 **ARTICLE 14. CONSTRUCTION AND SEVERABILITY**

4 A. This Compact and the Commission's rulemaking authority
5 shall be liberally construed so as to effectuate the purposes,
6 and the implementation and administration of the Compact.
7 Provisions of the Compact expressly authorizing or requiring the
8 promulgation of Rules shall not be construed to limit the
9 Commission's rulemaking authority solely for those purposes.

10 B. The provisions of this Compact shall be severable and
11 if any phrase, clause, sentence or provision of this Compact is
12 held by a court of competent jurisdiction to be contrary to the
13 constitution of any Member State, a State seeking participation
14 in the Compact, or of the United States, or the applicability
15 thereof to any government, agency, person or circumstance is
16 held to be unconstitutional by a court of competent
17 jurisdiction, the validity of the remainder of this Compact and
18 the applicability thereof to any other government, agency,
19 person or circumstance shall not be affected thereby.

20 C. Notwithstanding Article 14.B, the Commission may deny
21 a State's participation in the Compact or, in accordance with



1 the requirements of Article 12, terminate a Member State's
2 participation in the Compact, if it determines that a
3 constitutional requirement of a Member State is a material
4 departure from the Compact. Otherwise, if this Compact shall be
5 held to be contrary to the constitution of any Member State, the
6 Compact shall remain in full force and effect as to the
7 remaining Member States and in full force and effect as to the
8 Member State affected as to all severable matters.

9 **ARTICLE 15. CONSISTENT EFFECT AND CONFLICT WITH OTHER**
10 **STATE LAWS**

11 A. Nothing herein shall prevent or inhibit the
12 enforcement of any other law of a Member State that is not
13 inconsistent with the Compact.

14 B. Any laws, statutes, regulations, or other legal
15 requirements in a Member State in conflict with the Compact are
16 superseded to the extent of the conflict.

17 C. All permissible agreements between the Commission and
18 the Member States are binding in accordance with their terms.

19 § -3 Rules. The department of commerce and consumer
20 affairs shall adopt rules pursuant to chapter 91 for the
21 purposes of implementing and administering this chapter."



S.B. NO. 1619

1 SECTION 2. This Act shall take effect upon its approval;
2 provided that section 1 of this Act shall take effect on
3 January 1, 2026.

4

INTRODUCED BY: *Amra Norcalds K.*



S.B. NO. 1619

Report Title:

DCCA; Governor; Cosmetology Licensure Compact; Beauty Culture; Adoption; Rules

Description:

Authorizes the Governor to enter into a Cosmetology Licensure Compact on behalf of the State to provide a streamlined process that allows cosmetologists to obtain a multistate license enabling them to practice cosmetology in another state without obtaining a separate license under the laws of that state. Requires the Department of Commerce and Consumer Affairs to adopt rules to implement and administer the Compact. Authorizes the Governor to enter into the Compact effective 1/1/2026.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



JAN 23 2025

A BILL FOR AN ACT

RELATING TO NATURAL HAIR BRAIDING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that natural hair
2 braiding is a traditional practice that does not present
3 significant health and safety risks to consumers or
4 practitioners. While natural hair braiding is distinct from the
5 practice of cosmetology or barbering, existing law has been
6 interpreted to require natural hair braiders to obtain a license
7 from the board of barbering and cosmetology, imposing an undue
8 burden on those who engage in natural hair braiding as a
9 profession. Because licensees are required to undergo education
10 and training for cosmetology practices that are outside the
11 scope of natural hair braiding, such as nail care and makeup
12 application, the purpose of this Act is to exempt natural hair
13 braiders from licensing requirements under the Barbering and
14 Cosmetology Licensing Act under certain conditions.

15 SECTION 2. Chapter 439A, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:



1 "§439A- Natural hair braiders; exemption; conditions.

2 (a) Nothing in this chapter shall be construed to require a
3 natural hair braider that engages in the practice of natural
4 hair braiding to obtain a license under this chapter; provided
5 that the natural hair braider shall not perform or attempt to
6 perform services regulated under this chapter or advertise
7 services in such a way that misleads consumers to believe that
8 the natural hair braider offers services that are otherwise
9 regulated under this chapter. Any natural hair braider who
10 violates this subsection may be subject to sanctions authorized
11 under this chapter for the unlicensed practice of barbering or
12 the unlicensed practice of cosmetology.

13 (b) This section shall not be construed to exempt the
14 practice of natural hair braiding, or operating a natural hair
15 braiding salon, from any general business registration
16 requirements, including a commercial activity license or similar
17 general business license, or any other laws relating to the
18 payment of taxes on sales or income.

19 (c) For any salon that performs only natural hair braiding
20 services, the salon owner shall be responsible for:



1 (1) Ensuring the education, training, skills, and
2 competence of the individuals who work in the salon,
3 including the use of equipment and proper sanitation
4 practices; and

5 (2) Protecting the health and safety of consumers and
6 individuals who work in the salon.

7 In an action based on an injury alleged to have occurred in the
8 salon, a consumer may recover from the salon owner damages and
9 other relief as may be determined by a court.

10 (d) Nothing in this section shall be construed to prohibit
11 a person from obtaining a private certification or an employer
12 from requiring a person to obtain a private certification.

13 (e) For the purposes of this section:

14 "Braiding device" means clips, combs, crochet hooks,
15 curlers, curling irons, hairpins, rollers, scissors, blunt-
16 tipped needles, threads, or hair binders.

17 "Natural hair braider" means a person who engages in the
18 practice of natural hair braiding.

19 "Natural hair braiding" includes:

20 (1) Twisting, locking, wrapping, weaving, cornrowing,
21 extending, or braiding hair by hand or with braiding



1 devices, and the minor trimming of natural hair or
2 hair extensions incidental thereto;

3 (2) The use of natural or synthetic hair extensions,
4 natural or synthetic hair and fibers, decorative
5 beads, and other hair accessories;

6 (3) The making and lacing of wigs from natural hair,
7 natural fibers, synthetic fibers, and hair extensions;
8 and

9 (4) The use of topical agents, including conditioners,
10 gels, moisturizers, oils, pomades, and shampoos in
11 conjunction with the performance of the practices
12 described in paragraphs (1) through (3).

13 "Natural hair braiding" does not include:

14 (1) The application of dyes, reactive chemicals, or other
15 preparations to:

16 (A) Alter the color of hair; or

17 (B) Straighten, curl, or alter the structure of hair;
18 or

19 (2) The use of chemical hair joining agents including
20 synthetic tape, keratin bonds, or fusion bonds."

21




S.B. NO. 1620

1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

3

INTRODUCED BY: 



S.B. NO. 1620

Report Title:

Board of Barbering and Cosmetology; Natural Hair Braiding;
License; Exemption

Description:

Exempts natural hair braiders from licensing requirements under certain conditions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



JAN 23 2025

A BILL FOR AN ACT

RELATING TO NAIL TECHNICIANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that requiring nail
2 technicians to obtain a cosmetology license requires nail
3 technicians to learn skills irrelevant to their profession.
4 Establishing a specific nail technician license and
5 corresponding licensing requirements separate from a general
6 cosmetology license will alleviate this burden on nail
7 technicians.

8 Accordingly, the purpose of this Act is to direct the
9 department of commerce and consumer affairs to adopt rules
10 establishing:

- 11 (1) A separate license for nail technicians; and
12 (2) Corresponding licensing requirements for nail
13 technicians.

14 SECTION 2. Section 439A-6, Hawaii Revised Statutes, is
15 amended by amending subsection (g) to read as follows:

16 "(g) A nail technician applicant shall have an education
17 equivalent to the completion of high school and ~~[either]~~



S.B. NO. 1621

Report Title:

DCCA; Rules; Nail Technicians; License

Description:

Requires the Department of Commerce and Consumer Affairs to adopt rules establishing a license and corresponding licensing requirements specifically for nail technicians separate from a general cosmetologist license.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



JAN 23 2025

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that a recent Civil Beat
2 article highlighted the inability of state licensing boards and
3 agencies to promptly revoke the professional licenses of
4 registered sex offenders. The legislature believes that timely
5 action in cases where certain professional license holders are
6 registered sex offenders is a vital aspect of consumer
7 protection. Delayed action in revoking a license and preventing
8 further practice by a registered sex offender places consumers
9 at unnecessary risk.

10 Accordingly, the purposes of this Act are to:

11 (1) Authorize the board of acupuncture, athletic trainer
12 program, board of barbering and cosmetology, state
13 board of chiropractic, board of dental examiners,
14 electrologist program, hearing aid dealer and fitter
15 program, marriage and family therapist licensing
16 program, state board of massage therapy, Hawaii
17 medical board, mental health counselors licensing

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1 program, state board of naturopathic medicine, state
2 board of nursing, nurse aide program, nursing home
3 administrator program, occupational therapy program,
4 midwives licensing program, dispensing opticians
5 program, board of examiners in optometry, board of
6 pharmacy, board of physical therapy, board of
7 psychology, behavior analyst program, respiratory
8 therapist program, social worker licensing program,
9 and state board of speech pathology and audiology to
10 automatically revoke and deny the renewal,
11 restoration, or reinstatement of a license to a
12 licensee who is a registered sex offender;

13 (2) Establish conditions for the disciplinary action; and

14 (3) Ensure consumer protection by requiring any final
15 order of discipline taken to be public record.

16 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§436E- _____ Revocation of license or denial of application
20 to renew, restore, or reinstate a license based on conviction as
21 a registered sex offender; conditions. (a) Notwithstanding any
22 law to the contrary, the board shall automatically revoke a

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1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the licensing
20 authority within ten days of the notice. The hearing shall be
21 held within thirty days of the revocation or denial. The
22 proceeding shall be conducted in accordance with chapter 91.

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1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

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1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§436H- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the provisions of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

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1 (b) The director shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 file a written request for a hearing with the licensing
8 authority within ten days of the notice. The hearing shall be
9 held within thirty days of the revocation or denial. The
10 proceeding shall be conducted in accordance with chapter 91.

11 (d) For the purposes of enforcement of this section, a
12 plea or verdict of guilty, or a conviction after a plea of nolo
13 contendere, shall be deemed a conviction. The record of
14 conviction shall be conclusive evidence of the fact that the
15 conviction occurred.

16 (e) If the related conviction of the license holder is
17 overturned upon appeal, the revocation or denial ordered
18 pursuant to this section shall automatically cease. Nothing in
19 this subsection shall prohibit the program from pursuing
20 disciplinary action based on any cause other than the overturned
21 conviction.

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1 (f) Any final order of discipline taken pursuant to this
2 section shall be a matter of public record.

3 (g) The director shall not restore, renew, or otherwise
4 reinstate the license of a person under any of the following
5 circumstances:

6 (1) The person has been required to register as a sex
7 offender pursuant to the requirements of chapter 846E,
8 regardless of whether the conviction has been
9 appealed; and

10 (2) The person engaged in the offense with a patient or
11 client, or with a former patient or client if the
12 relationship was terminated primarily for the purpose
13 of committing the offense."

14 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§439A- Revocation of license or denial of application
18 to renew, restore, or reinstate a license based on conviction as
19 a registered sex offender; conditions. (a) Notwithstanding any
20 law to the contrary, the board shall automatically revoke a
21 license or deny an application to renew, restore, or reinstate a
22 license under either of the following circumstances:

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1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the licensing
18 authority within ten days of the notice. The hearing shall be
19 held within thirty days of the revocation or denial. The
20 proceeding shall be conducted in accordance with chapter 91.

21 (d) For the purposes of enforcement of this section, a
22 plea or verdict of guilty, or a conviction after a plea of nolo

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1 contendere, shall be deemed a conviction. The record of
2 conviction shall be conclusive evidence of the fact that the
3 conviction occurred.

4 (e) If the related conviction of the license holder is
5 overturned upon appeal, the revocation or denial ordered
6 pursuant to this section shall automatically cease. Nothing in
7 this subsection shall prohibit the board from pursuing
8 disciplinary action based on any cause other than the overturned
9 conviction.

10 (f) Any final order of discipline taken pursuant to this
11 section shall be a matter of public record.

12 (g) The board shall not restore, renew, or otherwise
13 reinstate the license of a person under any of the following
14 circumstances:

15 (1) The person has been required to register as a sex
16 offender pursuant to the requirements of chapter 846E,
17 regardless of whether the conviction has been
18 appealed; and

19 (2) The person engaged in the offense with a patient or
20 client, or with a former patient or client if the
21 relationship was terminated primarily for the purpose
22 of committing the offense."

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1 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§442- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§447- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§448- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§448F- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§451A- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§451J- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§452- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§453- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§455- Revocation of license or denial of application**
16 **to renew, restore, or reinstate a license based on conviction as**
17 **a registered sex offender; conditions. (a) Notwithstanding any**
18 **law to the contrary, the board shall automatically revoke a**
19 **license or deny an application to renew, restore, or reinstate a**
20 **license under either of the following circumstances:**

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457A- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457B- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457G- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 19. Chapter 457J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§458- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§459- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§461- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§461J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§463E- **Revocation of license or denial of application**
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§465- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§465D- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§466D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§467E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§468E- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 30. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 31. New statutory material is underscored.

16 SECTION 32. This Act shall take effect upon its approval.

17

18

INTRODUCED BY:



19

BY REQUEST

S.B. NO. 1373

Report Title:

DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstatement

Description:

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

SB. NO. 1373

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

MEANS: Add new sections to chapters 436E, 436H, 439A, 442, 447, 448, 448F, 451A, 451J, 452, 453, 453D, 455, 457, 457A, 457B, 457G, 457J, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 467E, and 468E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current laws do not facilitate the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee becomes or is found to be a registered sex offender. This bill allows for the automatic revocation of a license or denial of an application to renew, reinstate, or restore a license for certain professions when the licensee is a registered sex offender.

Impact on the public: Increases consumer safety and welfare.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that a recent Civil Beat
2 article highlighted the inability of state licensing boards and
3 agencies to promptly revoke the professional licenses of
4 registered sex offenders. The legislature believes that timely
5 action in cases where certain professional license holders are
6 registered sex offenders is a vital aspect of consumer
7 protection. Delayed action in revoking a license and preventing
8 further practice by a registered sex offender places consumers
9 at unnecessary risk.

10 Accordingly, the purposes of this Act are to:

11 (1) Authorize the board of acupuncture, athletic trainer
12 program, board of barbering and cosmetology, state
13 board of chiropractic, board of dental examiners,
14 electrologist program, hearing aid dealer and fitter
15 program, marriage and family therapist licensing
16 program, state board of massage therapy, Hawaii
17 medical board, mental health counselors licensing

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1 program, state board of naturopathic medicine, state
2 board of nursing, nurse aide program, nursing home
3 administrator program, occupational therapy program,
4 midwives licensing program, dispensing opticians
5 program, board of examiners in optometry, board of
6 pharmacy, board of physical therapy, board of
7 psychology, behavior analyst program, respiratory
8 therapist program, social worker licensing program,
9 and state board of speech pathology and audiology to
10 automatically revoke and deny the renewal,
11 restoration, or reinstatement of a license to a
12 licensee who is a registered sex offender;

- 13 (2) Establish conditions for the disciplinary action; and
14 (3) Ensure consumer protection by requiring any final
15 order of discipline taken to be public record.

16 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§436E- Revocation of license or denial of application
20 to renew, restore, or reinstate a license based on conviction as
21 a registered sex offender; conditions. (a) Notwithstanding any
22 law to the contrary, the board shall automatically revoke a

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1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the licensing
20 authority within ten days of the notice. The hearing shall be
21 held within thirty days of the revocation or denial. The
22 proceeding shall be conducted in accordance with chapter 91.

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1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

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1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§436H- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the provisions of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

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1 (b) The director shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 file a written request for a hearing with the licensing
8 authority within ten days of the notice. The hearing shall be
9 held within thirty days of the revocation or denial. The
10 proceeding shall be conducted in accordance with chapter 91.

11 (d) For the purposes of enforcement of this section, a
12 plea or verdict of guilty, or a conviction after a plea of nolo
13 contendere, shall be deemed a conviction. The record of
14 conviction shall be conclusive evidence of the fact that the
15 conviction occurred.

16 (e) If the related conviction of the license holder is
17 overturned upon appeal, the revocation or denial ordered
18 pursuant to this section shall automatically cease. Nothing in
19 this subsection shall prohibit the program from pursuing
20 disciplinary action based on any cause other than the overturned
21 conviction.

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1 (f) Any final order of discipline taken pursuant to this
2 section shall be a matter of public record.

3 (g) The director shall not restore, renew, or otherwise
4 reinstate the license of a person under any of the following
5 circumstances:

6 (1) The person has been required to register as a sex
7 offender pursuant to the requirements of chapter 846E,
8 regardless of whether the conviction has been
9 appealed; and

10 (2) The person engaged in the offense with a patient or
11 client, or with a former patient or client if the
12 relationship was terminated primarily for the purpose
13 of committing the offense."

14 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§439A- Revocation of license or denial of application
18 to renew, restore, or reinstate a license based on conviction as
19 a registered sex offender; conditions. (a) Notwithstanding any
20 law to the contrary, the board shall automatically revoke a
21 license or deny an application to renew, restore, or reinstate a
22 license under either of the following circumstances:

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- 1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or
- 7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.
- 11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).
- 15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the licensing
18 authority within ten days of the notice. The hearing shall be
19 held within thirty days of the revocation or denial. The
20 proceeding shall be conducted in accordance with chapter 91.
- 21 (d) For the purposes of enforcement of this section, a
22 plea or verdict of guilty, or a conviction after a plea of nolo

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1 contendere, shall be deemed a conviction. The record of
2 conviction shall be conclusive evidence of the fact that the
3 conviction occurred.

4 (e) If the related conviction of the license holder is
5 overturned upon appeal, the revocation or denial ordered
6 pursuant to this section shall automatically cease. Nothing in
7 this subsection shall prohibit the board from pursuing
8 disciplinary action based on any cause other than the overturned
9 conviction.

10 (f) Any final order of discipline taken pursuant to this
11 section shall be a matter of public record.

12 (g) The board shall not restore, renew, or otherwise
13 reinstate the license of a person under any of the following
14 circumstances:

15 (1) The person has been required to register as a sex
16 offender pursuant to the requirements of chapter 846E,
17 regardless of whether the conviction has been
18 appealed; and

19 (2) The person engaged in the offense with a patient or
20 client, or with a former patient or client if the
21 relationship was terminated primarily for the purpose
22 of committing the offense."

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1 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§442- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§447- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§448- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§448F- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§451A- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§451J- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§452- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§453- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

1 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§455- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457A- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457B- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457G- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 19. Chapter 457J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§458- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§459- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§461- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§461J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§463E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§465- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§465D- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§466D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§467E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

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1 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§468E- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

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Report Title:

DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstatement

Description:

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

MEANS: Add new sections to chapters 436E, 436H, 439A, 442, 447, 448, 448F, 451A, 451J, 452, 453, 453D, 455, 457, 457A, 457B, 457G, 457J, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 467E, and 468E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current laws do not facilitate the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee becomes or is found to be a registered sex offender. This bill allows for the automatic revocation of a license or denial of an application to renew, reinstate, or restore a license for certain professions when the licensee is a registered sex offender.

Impact on the public: Increases consumer safety and welfare.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

**EXAMINATION BRANCH
PROFESSIONAL & VOCATIONAL LICENSING DIVISIO
STATE OF HAWAII**

RECORD OF CANDIDATES EXAMINES

BOARD: BARBER & COSMETOLOGY
 EXAMINATION DATE: DECEMBER 2024
 EXAMINATION ADMINISTERED: NATIONAL-INTERSTATE COUNCIL OF
 STATE BOARDS OF COSMETOLOGY, INC.

| BY EXAMINATION(S): | <u>BAR</u> | <u>COS</u> | <u>EST</u> | <u>HAI</u> | <u>INS</u> | <u>NAI</u> | <u>ELE</u> |
|-----------------------------|------------|------------|------------|------------|------------|------------|------------|
| NO. OF CANDIDATES EXAMINED: | 10 | 13 | 35 | 3 | 1 | 16 | 0 |
| NO. OF CANDIDATES PASSED: | 5 | 4 | 11 | 2 | 1 | 5 | |
| NO. OF CANDIDATES FAILED: | 5 | 9 | 24 | 1 | 0 | 11 | |

OVERALL:

| | |
|-----------------------------|----|
| NO. OF CANDIDATES EXAMINED: | 78 |
| NO. OF CANDIDATES PASSED: | 28 |
| NO. OF CANDIDATES FAILED: | 50 |

DISTRIBUTION: EO, LicBr, CF & XF

DISTRIBUTION DATE: JAN 8 - 2025

**EXAMINATION BRANCH
PROFESSIONAL & VOCATIONAL LICENSING DIVISIO
STATE OF HAWAII**

RECORD OF CANDIDATES EXAMINES

BOARD: BARBER & COSMETOLOGY
 EXAMINATION DATE: JANUARY 2025
 EXAMINATION ADMINISTERED: NATIONAL-INTERSTATE COUNCIL OF
 STATE BOARDS OF COSMETOLOGY, INC.

| BY EXAMINATION(S): | <u>BAR</u> | <u>COS</u> | <u>EST</u> | <u>HAI</u> | <u>INS</u> | <u>NAI</u> | <u>ELE</u> |
|-----------------------------|------------|------------|------------|------------|------------|------------|------------|
| NO. OF CANDIDATES EXAMINED: | 13 | 16 | 38 | 5 | 0 | 17 | 0 |
| NO. OF CANDIDATES PASSED: | 7 | 6 | 21 | 2 | | 8 | |
| NO. OF CANDIDATES FAILED: | 6 | 10 | 17 | 3 | | 9 | |

OVERALL:

| | |
|-----------------------------|----|
| NO. OF CANDIDATES EXAMINED: | 89 |
| NO. OF CANDIDATES PASSED: | 44 |
| NO. OF CANDIDATES FAILED: | 45 |

DISTRIBUTION: EO, LicBr, CF & XF

DISTRIBUTION DATE: FEB 5 - 2025